

By Mr. WELLING: A bill (H. R. 7837) for the relief of John Gray; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 7838) granting an increase of pension to Ida B. Welker; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Polish Publishing Co. and Father Gordon Building & Loan Association, of Chicago, Ill., against Senate bill 2099, relating to newspapers and magazines printed in a foreign language; to the Committee on Printing.

Also (by request), petition of Italian branch of the Ladies' Waist and Dressmakers' Union, Local No. 25, of New York, urging the immediate recall of all American troops in Russia and the abandonment of attempts to secure special troops for service there; to the Committee on Military Affairs.

Also (by request), petition of Mystic Order Veiled Prophets of the Enchanted Realm, favoring legislation to assure the supremacy of the American flag over all other flags at public displays; to the Committee on the Library.

Also (by request), petition of John J. Mahoney, president of Division 14, Ancient Order of Hibernians, of Massachusetts, in favor of a league of nations; to the Committee on Foreign Affairs.

By Mr. BACHARACH: Petition of Burlington (N. J.) County Board of Agriculture and Farm Bureau, protesting against the Mondell bill for land grants for discharged soldiers; to the Committee on the Public Lands.

By Mr. BEGG: Petition of certain residents of Plain Township, Wood County, Ohio, asking for the extension of rural route No. 2, out of Bowling Green, Ohio, so that they may receive the benefits of rural free delivery; to the Committee on the Post Office and Post Roads.

By Mr. BROOKS of Pennsylvania: Petition of the Lancaster Bar Association, of Lancaster, Pa., against the abolition of the ninth internal-revenue district; to the Committee on the Post Office and Post Roads.

By Mr. CALDWELL: Petition of John W. Grabowski, soda-fountain owner, of Jamaica, Long Island, N. Y., protesting against tax on sodas, soft drinks, and ice cream; to the Committee on Ways and Means.

By Mr. ESCH: Petition of Wisconsin Traffic League, urging immediate return of railroads to private ownership; to the Committee on Interstate and Foreign Commerce.

Also, petition of National Women's Trade Union of America, supporting the Federal Trade Commission in its efforts to secure remedial legislation on the meat-packing industry; to the Committee on Agriculture.

Also, petition of Polish Publishing Co., of Chicago, Ill., opposing S. 2099; to the Committee on the Judiciary.

By Mr. FITZGERALD: Petition of the Lithuanian Weekly, of Boston, Mass., relating to the Poland Army in the Lithuanian territories; to the Committee on Foreign Affairs.

By Mr. GRAHAM of Illinois: Petition of sundry citizens of Rock Island, Ill., requesting repeal of taxes now levied on medicines and dental preparations under section 907 of the revenue act; to the Committee on Ways and Means.

By Mr. LINTHICUM: Petition of Eagle Manufacturing Co. (Inc.), Consolidated Engineering Co., T. Braden Silcott & Co., Kunkel Bros. & Co., M. Albert's Sons, Harry J. Mohr, W. P. Bird & Bro., Henry Fox, John Uhl, Myers & Houseman, Greer & Davis, all of Baltimore, Md., protesting against the Kenyon bill; to the Committee on Agriculture.

Also, petition of Howard Hubbard, of Baltimore, Md., urging the passage of S. 2253 or H. R. 7124, providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdiction, and for other purposes; to the Committee on the Judiciary.

Also, petition of Edward D. Noonan, of Baltimore, Md., favoring the resolution of Hon. WILLIAM E. MASON appropriating money for the appointment of a diplomatic representative to Ireland; to the Committee on Appropriations.

Also, petition of James A. Wright, of Baltimore, Md., favoring H. R. 5418, relating to increasing compensation for printers, pressmen, and bookbinders employed in the Government Printing Office; to the Committee on Printing.

By Mr. MacGREGOR: Petition of George B. Fisher, of East Buffalo, N. Y., against the Kendrick bill (S. 2199) and the Kenyon bill (S. 2202); to the Committee on Agriculture.

Also, petition of William S. Cogswell, brevet lieutenant colonel, of New York, urging that the flagship *Hartford* will be asso-

ciated always with the genius and achievements of the Nation's great admiral, Farragut; to the Committee on Naval Affairs.

By Mr. McGLENNON: Petition of Junior Order United American Mechanics, Vigilant Council, No. 155, of Kearny, N. J., favoring a law allowing six months' pay to each soldier or sailor who served in the United States service in the World War; to the Committee on Military Affairs.

By Mr. REBER: Petition of Mr. Adam Adoureffus and Mr. Mutt Yourkineke, Shenandoah, Pa.; and Mr. Mat Buragas, Mr. John J. Miscavage, jr., and Mr. John J. Miscavage, sr., of Tamaqua, Pa., urging the United States to demand the withdrawal of Polish troops from Lithuanian territory, and to give to Lithuania a moral support in her war against Bolshevism; to the Committee on Foreign Affairs.

By Mr. WATSON of Pennsylvania: Petition of certain citizens of Pennsylvania concerning a bill for relief of the Sanitary Co. of America; to the Committee on Claims.

SENATE.

FRIDAY, July 25, 1919.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee in prayer that our inner life may conform to the spiritual fact, that we may be brought by Thy grace into conformity to Thy will, that our minds may work in accord with the divine law, that our consciences may respond to Thine own command, that our hearts may feel the touch of Thy love, that as men whose lives are God centered we may do the work of this day in Thy sight and with Thy blessing. We ask Thee to guide us. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOR and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE CLAIM OF CHINA.

Mr. SPENCER. Mr. President, I hold in my hand an official copy of the claim of China, submitting its reasons for asking for the abrogation of the Chinese-Japanese treaty as it was presented at Paris, and containing the 21 points that Japan has against China. It is a matter about which so much inquiry has developed that I ask that it be printed in the RECORD.

The VICE PRESIDENT. Is there objection?

Mr. KING. May I ask the Senator if it was not printed in the RECORD as a part of the remarks of the Senator from Arkansas [Mr. ROBINSON]?

Mr. SPENCER. I think not, and I do not think many Senators have seen it. I have yet to find anyone who has seen it as I showed it to him.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THE CLAIM OF CHINA FOR THE ABROGATION OF THE TREATIES AND NOTES CONCLUDED WITH JAPAN ON MAY 25, 1915.

INTRODUCTORY.

"This claim submits for abrogation by the peace conference the set of treaties and notes made and exchanged by and between the Chinese Government and the Japanese Government on May 25, 1915. (See Appendix 4.)

"These treaties and notes—hereinafter referred to as the 'Treaties of 1915'—were signed by the Chinese Government under pressure of the series of demands known as the 21 demands presented by the Japanese Government on January 18, 1915, and enforced by the Japanese ultimatum delivered to the Chinese Government on May 7, 1915. (See Appendices 2 and 3.)

"Action by the peace conference in respect of these treaties of 1915 is claimed by China for reasons herein elaborated.

PART 1.

"FIRST INSTRUCTIONS" TO MR. HIOKI.

"1. On December 3, 1914, the Japanese minister at Peking, Mr. Hioki, was handed at Tokyo the text of the 21 demands for presentation to the Chinese Government. They were divided into five groups.

"In the 'First instructions given by Baron Kato [then Japanese minister for foreign affairs] to Mr. Hioki,' which were officially published at Tokyo on June 9, 1915 (see Appendix 1), Mr. Hioki was informed that 'In order to provide for the readjustment of affairs consequent on the Japan-German war and for the purpose of insuring a lasting peace in the Far East by strengthening the position of the [Japanese] Empire, the Imperial Government have resolved to approach the Chinese Government with a view to conclude treaties and agreements mainly along the lines laid down in the first four groups of the ap-

pending proposals [i. e., the 21 demands]. * * * Believing it absolutely essential for strengthening Japan's position in eastern Asia, as well as for the preservation of the general interest of that region, to secure China's adherence to the foregoing proposals, the Imperial Government are determined to attain this end by all means within their power. You are therefore requested to use your best endeavor in the conduct of the negotiations, which are hereby placed in your hands.

"As regards the proposals contained in the fifth group," Mr. Hioki was informed that they were to be 'presented as the wishes of the Imperial Government,' but 'you are also requested to exercise your best efforts to have our wishes carried out.'

"It is important, however, to state that the proposals in this fifth group were presented to the Chinese Government as demands and not as 'wishes.'

JAPAN'S WAR AIM.

"2. Attention is directed here to these 'First instructions' to Mr. Hioki, because, studied in connection with other indications of Japanese policy in China, they point reasonably to the inference that Japan's dominant aim in the war against the Central Powers was the 'strengthening of Japan's position in eastern Asia' and the Japanese Government were 'determined to attain this end by all means within their power.'

"3. This reference to Japan's war aim is made because it appears desirable to place all the facts before the peace conference in order that a correct decision may be rendered, *inter alia*, on the pending claim of the Japanese Government for 'the unconditional cession of the leased territory of Kiaochow, together with the railways and other rights possessed by Germany in respect of Shantung Province.'

"If the real object for which Japan entered the war was less the destruction of German imperialism than the creation of a situation enabling her to strengthen her own 'position in eastern Asia by all means within her power,' it is legitimate for China—as the one of the Allied and Associated States that would suffer in the event of the success of the Japanese claim—to urge the rejection of this claim on the ground that Japan entered the war and envisaged its end in a sense at variance with the principles for which the Entente Allies and America have fought and conquered.

PRESENTATION OF THE TWENTY-ONE DEMANDS.

"4. Six weeks had elapsed from the date of the 'First instructions,' when it was decided that a suitable opportunity had occurred for the presentation of the twenty-one demands. This took place on January 18, 1915, following swiftly on the communication of a note from the Chinese minister for foreign affairs in reply to a dispatch from Mr. Hioki. The latter had written to state that the Japanese Government would not recognize the cancellation of the special military zone which the Chinese Government had delimited in connection with the operations of the Japanese forces besieging the small German garrison at Tsingtao within the leased territory of Kiaochow.

"5. This note from the Chinese minister for foreign affairs is the last of a series of six notes (these notes are included in the Appendices to the Memorandum relating to Kiaochow, filed by the Chinese delegation, and numbered 6, 7, 8, 9, 10, and 11) passing between him and Mr. Hioki. These notes dealt not only with the special military zone, but with the protest of the Chinese Government against the forcible and unnecessary seizure by the Japanese of the Trans-Shantung Railway, which dominates the Province of Shantung.

"The whole of this series of notes is important because they connect the twenty-one demands with the situation created in Shantung by the Japanese military authorities in their operations for the reduction of the German 'fortress' of Tsingtao.

"This fortress was garrisoned by 5,250 German and Austrian regulars and reservists hastily assembled. Under the plea of military necessity the Japanese forces entered Chinese territory 150 miles to the rear of the 'stronghold.' In the land operations ensuing the Japanese had a total of 12 officers killed and 40 wounded and 324 rank and file killed and 1,148 wounded. In the naval operations one small cruiser was sunk by a mine and 280 of the crew perished. In addition to this disaster the Navy had 40 men killed and wounded.

"These figures are given not in any way to detract from the merit of Japan's principal military achievement during the war, but only to indicate what operations were actually involved in the fall of the fortress.

"6. The note from the Chinese minister for foreign affairs points out that two months have 'elapsed since the capture of Tsingtao; the basis of German military preparations has been destroyed; the troops of Great Britain have already been and those of your country are being gradually withdrawn. This shows clearly that there is no more military action in the special area, and that the said area ought to be canceled admits of no

doubt. * * * As efforts have always been made to effect an amicable settlement of affairs between your country and ours, it is our earnest hope that your Government will act upon the principle of preserving peace in the Far East and maintaining international confidence and friendship.'

"7. Within 36 hours of the expression of this earnest hope of the Chinese Government, Mr. Hioki presented to the President of the Chinese Republic a series of demands which the Government and people of China viewed as an act of the same order of policy as the Austrian ultimatum to Serbia that had plunged Europe into war just 24 weeks before.

PART 2.

ANALYSIS OF THE 21 DEMANDS.

"8. An examination of these 21 demands shows that their ruling purpose was to impose on China a settlement not unlike in principle to the one imposed on Korea during the short period preceding the extinction of Korean independence.

Group I.

"9. Group I deals with the Province of Shantung, which is greater in area and in population than the whole of England, besides being a piece of China packed with memories of Confucius and hallowed as the cradle of Chinese culture.

"10. The first demand in this group insists on the Chinese Government engaging to 'give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of all rights, interests, and concessions which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung.'

"At the date of the 21 demands the 'rights, interests, and concessions' of Germany in Shantung included the leased territory of Kiaochow, with the harbor of Tsingtao, the trans-Shantung railway known as the Tsingtao-Chinan Railway or Kiaochow-Tsinanfu Railway, and other railway as well as mining rights in the Province.

"They were the fruits of 16 years of German aggression in Shantung Province, and their transfer to Japan means that the Teutonic methods, which enabled Germany to dominate and exploit the Province, will pass into the hands of a power with a great military base already standing on Chinese soil at Port Arthur.

RAILWAY DOMINATION OF NORTH CHINA.

"11. The meaning of this Japanese succession to German rights in Shantung is best illustrated in the railway situation arising out of Japan's exercise of two of the 'other railway rights' that were vested in Germany.

"Although Japan's claim now before the peace conference, in so far as it relates to China, is confined to the 'railways and other rights possessed by Germany in respect of Shantung Province,' she has pressed (in a set of secret agreement and notes concluded on Sept. 24, 1918) on China the acceptance of the view that her first demand in Group I—which is substantially repeated in her conference claim—covers the German rights to finance, construct, and supply the materials for two lines of railway running into the two other Provinces of Kiangsu and Chihli, though starting in Shantung.

"If the peace conference concede this Japanese claim, the following formidable situation will be created: Through the trans-Shantung Railway, with its western or inland terminus at the provincial capital of Chinanfu where it flanks the northern section of the Tientsin-Pukow Railway—built by the Germans—Japan will at once dominate the whole of Shantung as well as the northern half of this important trunk line. Then, by financing, constructing, and supplying the materials for the first of the aforesaid 'two lines of railway'—i. e., a line from the city of Kaomi, on the trans-Shantung Railway, to a point strategically dominating the southern or British constructed section of the same Tientsin-Pukow Railway—Japan will practically master the great railroad linking Tientsin (the port of Peking) and north China with the Yangtze Valley and south China.

"Next, by financing, etc., the second of the 'two lines of railway'—i. e., a line practically extending the trans-Shantung Railway from Chinanfu, where it will bisect the Tientsin-Pukow trunk line, to a point westward on the Peking-Hankow Railway—Japan will flank the other of the two trunk lines connecting Peking and north China with central and southern China. (It is important to note that the administration of a Japanese constructed railway in China goes far beyond that of any other foreign constructed railway in China, including even those constructed by Germany in Shantung. It means that the railway is practically manned by Japanese, to the exclusion even of Chinese; that the railway is policed by Japanese gendarmerie and is guarded by Japanese troops along its entire length. That is the danger.)

"And when it is borne in mind that Japan also controls the railway systems in south Manchuria and eastern inner Mongolia, the extent of Japan's railway domination of China north of the great line of the Yangtze will be realized.

"This fact also must be noted. It means the isolation of Peking, which will be cut off from central and southern China not only by land but by the sea route, owing to the Gulf of Pechihli—through which Peking can be reached via its port of Tientsin—being directly dominated by the Japanese at Port Arthur.

THE "STRATEGIC REAR" OF WEIHAWEI.

"12. It is further interesting to note the connection between the third demand in Group I with this strategic situation based on Japan's contemplated railway domination in northern China. The demand requires 'the Chinese Government to agree to Japan's building a railway connecting Chefoo or Lungkow' with the trans-Shantung Railway.

"Look at the map of Shantung and it will at once be seen that, lying obliquely opposite to Port Arthur, is the leased territory of Weihaiwei which Great Britain occupied in order to redress the 'balance of power' in China when Russia seized Port Arthur.

"While China can not but view foreign occupation of Weihaiwei as well as of other leased territories in a sense derogating from her territorial integrity, it is important, even from the Chinese point of view to direct attention to the fact that the strategic value of Weihaiwei could be seriously impaired if the power in possession of Port Arthur were to control either Chefoo or Lungkow, both of which lie to the 'strategic rear' of the British leased territory.

Group II.

ANNEXATION AT WORK.

"13. The seven demands in Group II exact in favor of Japan and her nationals a series of preferential rights, interests, and privileges in South Manchuria and eastern inner Mongolia calculated at once to increase the existing difficulties which seriously hamper effective Chinese administration in these two areas and to develop a situation facilitating the extension thereto of the territorial system which has transformed Korea into a Japanese Province.

"Although all the demands in this group vitally affect the territorial integrity and independence of China in South Manchuria and eastern inner Mongolia, it must suffice here to direct attention only to the first demand which insists 'that the lease of Port Arthur and Dalny and the term of lease of the South Manchurian Railway and the Antung-Mukden Railway shall be extended to a period of 99 years.'

"The extension of these leaseholds means the perpetuation of an alien political system in South Manchuria that immediately menaces the territorial integrity and independence of China. Through Port Arthur—the most powerful citadel in continental Asia—and the commercial base of Dalny which is linked with the South Manchuria and Antung-Mukden lines, Japan politically and commercially dominates a region through which lies the 'historic road of invasions' into China. In the past Asiatic invaders have entered the country from the north; and it was through the Manchurian 'gate' that the last invaders crossed into the great plains of northern China. * * *

"History and a sense of realities seems to suggest a view of the Japanese system in South Manchuria that can not be reconciled with the security of the Chinese Republic. And the opposition between this system of Japan and the safety of China is made sharper by the demand in question. Instead of China regaining Port Arthur and Dalny in the year 1923, as stipulated in the original lease of these places, Japan will continue to retain them until the month of March in the 'eighty-sixth year of the Chinese Republic—that is to say, in the year 1997 of the Christian era' (English version of the treaties of 1915 officially published at Tokyo on June 9, 1915)—the precise month and year when Germany promised to 'return' Kiaochow to China.

Group III.

JAPAN'S IRON POLICY IN CHINA.

"14. Besides involving the violation of the territorial integrity and sovereignty of China in Shantung, South Manchuria, and eastern inner Mongolia, the 21 demands also encroach on Chinese economic independence by their exaction in Group III of an undertaking with respect to the Han-Yeh-Ping Co., or iron works, well calculated to lead to ultimate Japanese acquisition of the most important industrial enterprise in the Yangtze Valley.

"In its final form, as insisted upon in the Japanese ultimatum, the undertaking reads 'that if in future the Han-Yeh-Ping Co. and the Japanese capitalists agree upon cooperation, the Chinese Government, in view of the intimate relations subsisting

between the Japanese capitalists and the said company, will forthwith give its permission. The Chinese Government further agree not to confiscate the said company, nor without the consent of the Japanese capitalists to convert it into a State enterprise, nor cause it to borrow and use foreign capital other than Japanese.'

TWO JAPANESE STATEMENTS.

"15. That the economic policy expressed in this Han-Yeh-Ping undertaking means Japanese control of China's natural resources is made clear by two recent Japanese statements. In a pamphlet lately issued in Paris by Baron Makino, then acting senior member of the Japanese peace delegation, the declaration is made that 'China has the raw material; we have need for raw material and we have the capital to invest with China in its development for use by ourselves as well as by China.' This same point was emphasized in an address delivered by Viscount Uchida, the present Japanese minister for foreign affairs, at the opening of the Diet at Tokyo last January:

"We have to rely, the minister declared, 'in a large measure, upon rich natural resources in China in order to assure our own economic existence.'

"China does not admit that her natural resources are necessary to assure the economic existence of Japan any more than the 'natural resources' of Alsace-Lorraine were necessary to assure the economic existence of Germany.

Group IV.

"16. The single demand in Group IV required the Chinese Government to 'engage not to cede or lease to any other power any harbor or bay on or any island along the coast of China.'

"In insisting on this demand Japan represented her objects to be the more effective preservation of the 'territorial integrity of China.' It will be seen, however, that the demand is worded in a sense apparently excluding Japan from the category of powers in whose favor the Chinese Government engage not to violate the territorial integrity of China. As a result of the Chinese Government's objection to a demand worded in such a dangerously ambiguous sense the Japanese ultimatum called for a declaration by China that 'no bay, harbor, or island along the coast of China may be ceded or leased to any power.'

Group V.

"17. Finally, we come to the set of seven demands known as Group V. It is an open secret that the existence of these demands was not admitted by Japan when public attention was first drawn to them, and that they were not included in the Japanese communication replying to an inquiry of the great powers regarding the nature and the terms of the 21 demands.

"By this group of demands 'Influential Japanese' were to be engaged by the Chinese Government 'as advisers in political, financial, and military affairs.' 'The police departments of important places (in China)' were to be 'jointly administered by Japanese and Chinese, or the police departments of these places' were to 'employ numerous Japanese.' 'China' was to 'purchase from Japan a fixed amount of munitions of war (say, 50 per cent or more) of what is needed by the Chinese Government, or there shall be established in China a Sino-Japanese jointly worked arsenal. Japanese technical experts are to be employed and Japanese material to be purchased.'

"In other words, the Chinese Army, with its illimitable possibilities in man power, was to be organized and controlled by influential Japanese military 'advisers' and was to be equipped and supplied with arms and munitions of Japanese pattern and manufacture.

"18. Railway rights were also demanded in this Group V which 'conflicted with the Shanghai-Hangchow-Ningpo railway agreement of March 6, 1908, the Nanking-Changsha railway agreement of March 31, 1914, and the engagement of August 24, 1914, giving preference to British firms for the projected line from Nanchang to Chaochowfu. For this reason the Chinese Government found themselves unable to consider the demand, though the Japanese minister, while informed of China's engagements with Great Britain, repeatedly pressed for its acceptance.' (Chinese official statement.)

JAPANESE MISSIONARY PROPAGANDA.

"19. Two of the demands in this Group V related to the acquisition of land for schools, hospitals, and temples, as well as to the right of missionary propaganda. They presented, 'in the opinion of the Chinese Government, grave obstacles * * * the religions of the two countries are identical, and therefore the need for a missionary propaganda to be carried on in China by Japanese does not exist. The natural rivalry between Chinese and Japanese followers of the same faith would tend to create incessant disputes and friction. Whereas western missionaries live apart from the Chinese communities among which they labor, Japanese monks would live with the Chinese, and the

similarity of their physical characteristics, their religious garb, and their habits of life would render it impossible to distinguish them for purposes of affording the protection which the Japanese Government would require should be extended to them under the system of extraterritoriality now obtaining in China." (Chinese official statement.)

"Moreover, there was the fear that the 'Japanese monks' might under the guide of missionary propagandists, carry on a political propaganda inconsistent with the maintenance of China's independence.

"A FOREIGN POWER" IN FUKIEN.

"20. A short reference must be made to the demand in this group relating to the Province of Fukien, the acceptance of which—as mentioned in the next section—was included in the Japanese ultimatum, although, according to the 'first instructions' to Mr. Hioki, it was to be presented not as a demand but as a 'wish.'

"The province happens to be the part of China lying nearest to—but at some distance from—the island of Formosa (see map facing p. 6) which was ceded to Japan as a result of her successful war against China in 1894-95. This geographical propinquity is serving as a basis for certain Japanese claims respecting Fukien. One of these claims is that Japan has a sort of right of vetoing any attempt on the part of China to utilize and develop, with foreign capital, the natural facilities on any part of the Fukien coast as a 'shipyard, military coaling station, naval station, or any other military establishment.'

"In the Japanese note relating to Fukien, which is included among the annexes to the treaties of 1915, specific reference is made to a reported intention of the Chinese Government permitting 'a foreign power' (English version of the treaties of 1915 officially published at Tokyo on June 9, 1915) to build a shipyard, etc., in the province. In the course of the discussion on this demand concerning Fukien, the Japanese representative justified its presentation on the ground that his Government understood that the United States was interested in some form of development work in the Province.

MEANING OF "POSTPONED FOR LATER NEGOTIATION."

"21. It is true that, with the exception of the demand relating to Fukien, this Group V was 'postponed for later negotiation' and its acceptance was not demanded in the ultimatum by which Japan stopped further discussion of the 21 demands and insisted on the acceptance of the demands in Groups I, II, III, and IV, subject to certain unimportant verbal variations.

"The ultimatum was delivered to the Chinese Government on May 7, 1915, with the warning that 'in case the Imperial [Japanese] Government fail to receive from the Chinese Government, before 6 p. m. of May 9, satisfactory response to their advice they will take such independent action as they may deem necessary to meet the situation' (English version of the ultimatum officially published at Tokyo on June 9, 1915).'

"Although this postponement of Group V for 'later negotiations' was alleged by the Japanese Government to be 'mark of their good will toward the Chinese Government,' it is known that this course followed representations made to Japan by other powers. The Japanese Government, nevertheless, insisted that the Chinese Government should specifically state in their reply to the ultimatum that Group V had been 'postponed for later negotiation.'

"22. This statement of the case would be incomplete unless it were noted that, since the date of the ultimatum, Japanese policy in China appears to be expressing itself in terms of the specific principles worked out in these demands in Group V 'postponed for later negotiation.'

M. KRUPENSKY'S TESTIMONY.

"23. What Japan means by postponing Group V 'for later negotiation' is made plain by M. Krupensky, Russian ambassador at Tokyo, in two dispatches written by him to his home Government. These dispatches were included among the documents found in the archives of the Russian foreign office and published by the Russian revolutionary government on November 22, 1917.

"M. Krupensky's first dispatch is dated October 16, 1917, and reads as follows:

"In reply to my question as to the credibility of the rumors alleging that Japan is prepared to sell to the Chinese Government a considerable quantity of arms and munitions, Viscount Motono [then Japanese minister for foreign affairs] confirmed them, and added that the Peking Government had promised not to use the arms against the southerners. It was evident from the minister's words, however, that this promise possessed only the value of a formal justification of this sale, infringing as the latter does the principle of nonintervention

in the internal Chinese feuds, proclaimed by Japan herself. * * * It is most likely that the Japanese are aiming principally at obtaining the privilege of rearming the entire Chinese Army, and at making China dependent in the future on Japanese arsenals and the supply of munitions from Japan. The arms to be supplied are estimated at 30,000,000 yen. At the same time, Japan intends establishing an arsenal in China for the manufacture of war materials.'

M. KRUPENSKY'S SECOND DISPATCH.

"The other dispatch is dated October 22, 1917. It is a document of exceptional value, written as it is by one of the ablest members of the Russian diplomatic service, with a great knowledge of both Chinese and Japanese affairs. Before he was appointed to the Russian Embassy at Tokyo, M. Krupensky was Russian minister at Peking; indeed, he filled this office at the time when the 21 demands were presented and negotiated in 1915.

"After remarking that the reported American recognition of Japan's special position in China—then under negotiation at Washington—will 'inevitably lead in the future to serious misunderstandings between us (Russia) and Japan,' the document continues:

"The Japanese are manifesting more and more clearly a tendency to interpret the special position of Japan in China, *inter alia*, in the sense that other powers must not undertake in China any political steps without previously exchanging views with Japan on the subject—a condition that would to some extent establish a Japanese control over the foreign affairs of China. [It will be remembered that one of the decisive acts preceding the annexation of Korea was the conclusion of the Japan-Korea treaty of November 17, 1905, vesting in the Japanese Government the direction and control of the foreign affairs of Korea.] On the other hand, the Japanese Government does not attach much importance to its recognition of the principle of the open door and the integrity of China, regarding it as merely a repetition of the assurance repeatedly given by it earlier to other powers, and implying no new restrictions for the Japanese policy in China. It is, therefore, quite possible that at some future time there may arise in this connection misunderstanding between the United States and Japan. The minister for foreign affairs confirmed to-day, in conversation with me, that in the negotiations by Viscount Ishii [at Washington] the question at issue is not some special concession to Japan in these or other parts of China, but Japan's special position in China as a whole' [italics added].

JAPAN AND THE LANSING-ISHII AGREEMENT.

"24. In a third dispatch written to the Russian Government under date of November 1, 1917, M. Krupensky explained what the Japanese Government thought regarding the possibility of misunderstanding in the interpretation of the Lansing-Ishii agreement, which recognized Japan's 'special position' and 'special interests' in China. Reporting that he had asked Viscount Motono, Japanese minister for foreign affairs, 'whether he did not fear that in the future misunderstandings might arise from the different interpretations by Japan and the United States of the terms "special mission" and "special interests" of Japan in China,' M. Krupensky stated: 'I gain the impression from the words of the minister that he is conscious of the possibility of misunderstandings in the future, but is of the opinion that in such a case Japan would have better means at her disposal for carrying into effect her interpretation than the United States.'

"The Chinese Government, when furnished with copies of these notes, lodged at Washington and at Tokyo a declaration to the effect that China, having adopted toward friendly nations the principle of justice, equity, and respect for treaty rights, and recognizing special relations created by territorial propinquity only so far as expressed in treaties, would not permit herself to be bound by any agreement made between other nations.

"The interpretation which the United States Government gives to the notes can be inferred from its statement, accompanying the publication of these notes, that these notes 'not only contain a reaffirmation of the open-door policy but also introduce a principle of noninterference with the sovereignty and territorial integrity of China, which, generally applied, is essential to perpetual international peace, as has been so clearly declared by President Wilson.'

PART 3.

ABROGATION OF TREATIES OF 1915.

"25. It is submitted that the treaties and notes signed and exchanged by and between the Chinese and Japanese Governments on May 25, 1915, as a result of the negotiations connected with the 21 demands and of the Japanese ultimatum of May 7,

1915, are and do constitute one entire transaction or settlement arising out of and connected with the war between the allied and associated States and the Central Powers.

"An essential feature of this transaction is the set of demands relating to the Province of Shantung and insisting on the right of Japan to succeed to the leased territory of Kiaochow and the other 'rights, interests, and concessions' of Germany in the Province.

"That this essential feature of the transaction can only be settled by the peace conference is clearly admitted by the Japanese Government, because they have submitted to the conference a claim for 'the unconditional cession of the leased territory of Kiaochow, together with the railways and other rights possessed by Germany in respect of Shantung Province.'

"It follows, therefore, the entire transaction or settlement of which this Shantung claim of Japan forms an essential feature is a matter directly arising out of the war and within the purview of the peace conference and necessarily subject to its revisionary action.

WAR CHARACTER OF TREATIES OF 1915 EMPHASIZED.

"26. The war character of these treaties of 1915 is further attested by the opening sentence of the 'First Instructions' to Mr. Hiroki, which reads: 'In order to provide for the readjustment of affairs consequent on the Japan-German war and for the purpose of insuring a lasting peace in the Far East by strengthening the position of the [Japanese] Empire, the Imperial Government have resolved to approach the Chinese Government with a view to conclude treaties and agreements mainly along the lines laid down in the first four groups of the appended proposals.'

"The Japanese ultimatum [English version of the ultimatum published at Tokyo] also begins with a sentence, emphasizing that the demarche is due to the desire of Japan 'to adjust matters to meet the new situation created by the war between Japan and Germany' * * *.

TREATIES OF 1915 SIGNED UNDER COERCION.

"27. The fact that these treaties of 1915 were signed by the Chinese Government of the day does not remove them from the scope of the revisionary authority of the peace conference. Nor can the same operate as an estoppel against China in her claim to be released from them. These treaties were signed by the Chinese Government under coercion of the Japanese ultimatum of May 7, 1915, and in circumstances entirely excluding any suggestion that China was a free and consenting party to the transaction embodied in them.

ABROGATION INVOLVES NO INJUSTICE OR UNFAIRNESS TO JAPAN.

"28. The abrogation of the treaties of 1915 necessarily carries with it the rejection of the pending Japanese claim for the unconditional cession of the German system in Shantung.

"On this point, the submission is made that no injustice or unfairness will be done to Japan in denying her claim to perpetuate German aggression in Shantung. Nor will Japan's failure in this respect place her in a position inferior to that of any of the other powers in 'territorial propinquity' to China, even assuming—which China does not admit—that Japan's 'territorial propinquity' entitles her to claim a 'special position' in China which has never been claimed by Great Britain and France, although their respective Asiatic possessions are also 'contiguous' to the territory of the Chinese Republic.

HOW CHINA WAS PREVENTED FROM INTERVENING IN THE WAR.

"29. It is also submitted that but for the attitude of Japan—inspired largely, it seems, by her desire to replace Germany in Shantung—China would have been associated with the Allies in August, 1914, and again in November, 1915, in the struggle against the Central Powers.

"In August, 1914, the Chinese Government expressed their desire to declare war against Germany and to take part in the Anglo-Japanese operations against the German garrison at Tsingtao. The proposal was not pressed, owing to the intimidation reaching the Chinese Government that the proposed Chinese participation was likely to create 'complications' with a certain power.

"Again in November, 1915, the Chinese Government expressed their desire to enter the war in association with the Allies, but the Japanese Government opposed the proposal.

"Eventually, however, the Chinese Government addressed a note of warning to Germany on February 9, 1917, severed diplomatic relations with the latter on March 14 following, and finally declared war against Germany and Austria on August 14, 1917—the opposition of the Japanese Government having been removed in the circumstances indicated in another dispatch written by M. Krupensky to the Russian Gov-

ernment on February 8, 1917, reporting on his efforts to induce Japan to withdraw her opposition to China's entry into the war on the side of the Allies (vide, *infra*, sec. 34). (In this connection it is right to note China's war services and offer of man power to the Allies and America. During the war a large contingent of Chinese workers labored for the Allies behind the battle lines in northern France. They eventually numbered 130,678. Not a few of them were killed or wounded by enemy operations. In addition to these workers in France a large number were employed in connection with the British operations in Mesopotamia and German East Africa, and the crews of quite a considerable number of British ships consisted of Chinese seamen.

"(Besides placing at the disposal of the allied Governments nine steamers, which were greatly needed for the Chinese export trade, the Chinese Government offered to dispatch an Army of 100,000 to reinforce the man power of the allied and associated States in France. The offer was favorably entertained by the interallied council in Paris, but owing to allied inability to supply the necessary tonnage for transport the proposal eventually could not be carried out.)

"30. Further, it is reasonable to point out that if Japan had not occupied it the leased territory of Kiaochow would in any event have been directly restored to China as one of the States associated with the allied powers and the United States in the war against the Central Powers.

THE CONGRESS OF BERLIN.

"31. The submission is further made that in addition to the foregoing reasons there are precedents justifying the peace conference in dealing with the treaties of 1915 in the sense of abrogation.

"The Congress of Berlin is an instance of the great powers, acting as a whole and collectively, revising a treaty concluded between two States, i. e., Russia and Turkey, for a variety of reasons, but mainly because the settlement dictated by Russia at San Stefano was deemed ultimately to endanger the peace of Europe.

"It is urged that the settlement dictated by Japan at Peking in 1915 endangers directly the peace of far Asia, and ultimately the peace of the world.

A CONFERENCE RULING.

"32. There are two other arguments against the validity of the treaties of 1915. One is based on a ruling of the conference and the other on the lack of finality affecting the treaties.

"By article 1 of the 'treaty respecting the Province of Shantung' (see Appendix 4), which embodies the first of the 21 demands, the Chinese Government engage to recognize any agreement concluded between Japan and Germany respecting the disposition of the latter's 'rights, interests, and concessions' in the Province, and in the notes exchanged regarding Kiaochow (see p. 36) Japan subjects the restoration of the leased territory to the condition *inter alia*—that 'a concession under the exclusive jurisdiction of Japan [is] to be established at a place designated by the Japanese Government.'

"As regards this article 1 of the treaty, it is important to emphasize the point that Japan is debarred from negotiating separately with Germany in respect of the latter's system in Shantung owing to the decision of the conference to deal with German 'territories and cessions' without consulting Germany.

"On this view it is plain that Japan is not in a position to agree with Germany regarding the 'free disposal' of Kiaochow and that the article in question should be deemed inoperative.

AN ILLUSORY RESTORATION OF KIAOCHOW.

"The same objection applies to the notes exchanged. And even if this were not so, the illusory character of the restoration of Kiaochow contemplated in them would be a proper matter for the consideration of the peace conference in deciding on Japan's claim for the unconditional cession of Kiaochow and the rest of the German system in Shantung.

"The chief value of Kiaochow lies partly in the harbor of Tsingtao and partly in an area dominating the finest anchorage of that harbor, which has been delimited by the Japanese Government and is already reserved for exclusive Japanese occupation under Japanese jurisdiction, no one other than Japanese being permitted to hold land within its boundaries.

"This delimited area, presumably, is the 'place to be designated by the Japanese Government' as 'a concession under the exclusive jurisdiction of Japan.' The restoration of Kiaochow to China, with retention of Japan of the area dominating it, would be the restoration of the 'shadow' of this 'place in the sun' and the retention of its substance by Japan.

LACK OF FINALITY.

"33. Since the date of the treaties of 1915, even Japan has acted on the assumption that they are lacking in finality.

"It is evident that the scheme worked out in the 21 demands and in the treaties of 1915 demanded for its permanence the assent of the great powers with whom Japan was and is under agreement guaranteeing the independence and integrity of China.

"Accordingly, the Japanese Government secured the conclusion of two treaties with Russia in the summer of 1916 (see Appendix 5). One was made public and before its signature was communicated to the British Government. But the other was a secret treaty, consisting of six articles, whereof the last provided that the 'present convention shall be kept in complete secrecy from everybody except the two high contracting parties.' (Commenting on the treaties in its issue of December 24, 1917, a great organ of British public opinion pointed out that there were considerable differences between the public and secret documents: 'The public treaty professes to aim at maintaining a lasting peace in the Far East and makes no reference to China; the secret treaty is not concerned with peace, but with the interests of both contracting powers in China. * * * The public treaty indicates consultation between the contracting parties as to the measures to be taken; the secret treaty points to military measures and is definitely a military alliance.')"

"If these significant documents are to be interpreted accurately, they must be studied, particularly the secret treaty, in connection with the Anglo-Japanese treaty of alliance of July 13, 1911. The latter provides, in article 3, that 'the high contracting parties agree that neither of them will, without consulting the other, enter into separate arrangement with another power to the prejudice of the objects described in the preamble of this agreement.' One of these objects is defined to be 'the preservation of the common interests of all powers in China by insuring the independence and integrity of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in China.'

"It is obvious that this specific object of the Anglo-Japanese treaty would be infringed by the political domination of China or any portion the territory of the Chinese Republic by either or both of the contracting parties to the secret Russo-Japanese treaty. And yet this secret treaty in article 1, fails to provide against the 'political domination of China' by either or both Japan and Russia, although a secret military alliance is definitely made by the two powers against the 'political domination of China by any third power.'

"A further comment may be added. Article 2 of the public treaty provides for consultation between Japan and Russia in case their territorial rights or special interests in the Far East be threatened. The specific reference to China in the secret treaty shows that the 'special interests' of the parties contemplated were those recognized by each other as existing in China. There can be no question whatever that under the treaties of 1915 Japan secured valuable territorial rights and special interests in great regions of China, like south Manchuria, eastern inner Mongolia, and Shantung. Indeed, the cumulative effect of these treaties of 1915 is to center in the hand of Japan a 'political domination of China' conflicting with the preamble of the Anglo-Japanese alliance.

FURTHER NEGOTIATIONS WITH RUSSIA.

"34. Further negotiations between Japan and Russia are reported in another dispatch written by M. Krupensky to Petrograd under date of February 8, 1917.

"The ambassador was reporting on his efforts to induce Japan to withdraw her opposition to China's entry into the war on the side of the Allies. After stating that he never omitted 'an opportunity for representing to [Viscount Motono] the Japanese minister for foreign affairs the desirability in the interests of Japan herself of China's intervention in the war' and that the minister had promised 'to sound the attitude of Peking without delay,' M. Krupensky reported that—

"On the other hand, the minister pointed out the necessity for him, in view of the attitude of Japanese opinion on the subject, as well as with a view to safeguard Japan's position at the future peace conference, *if China should be admitted to it* (italics added), of securing the support of the Allied Powers to the desires of Japan in respect of Shantung and the Pacific Islands. These desires are for the succession to all the rights and privileges hitherto possessed by Germany in the Shantung Province and for the acquisition of the islands to the north of the equator which are now occupied by the Japanese. Motono plainly told me that the Japanese Government would like to receive at once the promise of the Imperial (Russian) Government to support the above desires of Japan."

"In order to give a push,' the ambassador added persuasively, 'to the highly important question of a break between China and Germany I regard it as very desirable that the Japanese should be given the promise they ask.'

THE RUSSIAN PROMISE.

"35. This promise was given in the following communication, dated at Tokyo, le 20 février/5 mars 1917:

"En réponse à la notice du Ministère des Affaires Etrangères du Japon, en date du 19 février dernier, l'Ambassade de Russie est chargée de donner au Gouvernement Japonais l'assurance qu'il peut entièrement compter sur l'appui du Gouvernement Impérial de Russie par rapport à ses desiderata concernant la cession éventuelle au Japon des droits appartenant à l'Allemagne au Chantoung et des îles allemandes occupées par les forces japonaises dans l'Océan Pacifique au nord de l'équateur."

"36. It is reasonable to suggest that if Japan had at this date regarded, in a sense of finality, the settlement imposed on China in 1915, there would have been no necessity for Japan to insist on allied support of her claim regarding Shantung at the future peace conference.

OTHER ALLIED PROMISES.

"37. The same remark applies to the other promises of support secured by the Japanese Government from Great Britain on February 16, 1917; from France, on March 1, 1917; and from Italy, whose minister for foreign affairs verbally stated on March 28, 1917, that 'the Italian Government had no objection regarding the matter.'

"Without attempting to express here the Chinese sense of disappointment at the conclusion of these agreements at a time when China was definitely aligning herself with the allied and associated States in the struggle against the Central Powers, it is pertinent to state that, in the view of the Chinese Government, these allied promises to Japan in so far as they relate to China can not be deemed binding on Great Britain, France, and Italy on the main ground that China's subsequent entry into the war on August 14, 1917, in association with the Allies and the United States involved such a vital change of the circumstances existing at the dates of the respective promises and of the situation contemplated therein that the principle of *rebus sic stantibus* necessarily applies to them.

DISCLAIMER BY CHINESE GOVERNMENT.

"38. That the Chinese Government also regarded the treaties of 1915 as lacking in finality is clear from the disclaimer registered in their official statement on the negotiation connected with the 21 demands.

"Although threatened by the presence of large bodies of troops dispatched by the Japanese Government to South Manchuria and Shantung—whose withdrawal the Japanese minister at Peking declared, in reply to a direct inquiry by the Chinese Government, would not be effected 'until the negotiations could be brought to a satisfactory conclusion'—the Chinese Government issued an official statement immediately after this 'satisfactory conclusion' had been effected under pressure of the ultimatum of May 7, 1915, declaring that they were 'constrained to comply in full with the terms of the ultimatum, but in complying the Chinese Government disclaimed any desire to associate themselves with any revision, which may be effected, of the various conventions and agreements concluded between other powers in respect of the maintenance of China's territorial independence and integrity, the preservation of the *status quo*, and the principle of equal opportunity for the commerce and industry of all nations in China.'

A "UNILATERAL NEGOTIATION."

"39. The foregoing declaration was preceded by an account of the manner in which the negotiations had been conducted or, more accurately, dictated by Japan. It was shown how, faced by 21 demands of a powerful government 'determined to attain this end by all means within their power' and at a selected moment when three of the powers—with whom Japan had severally guaranteed the independence and integrity of China—were engaged in a deadly struggle with the Germanic Kingdoms, China was compelled to enter into a singularly unequal negotiation with Japan.

"It was a negotiation in which the number and virtually the personnel of China's representatives were dictated to her. It was a negotiation in which Japan refused to have official minutes of the proceedings kept as proposed by China, with the result that the Japanese and Chinese representatives differed in their respective records of important declarations made by the latter, and, on the basis of some of these differences, the Japanese Government in their ultimatum accused the Chinese Government of 'arbitrarily nullifying' statements alleged to have been made—but in fact never made—by the senior Chinese

representative. It was a negotiation in the course of which—these are the words of the Chinese official statement issued at the time—"the Japanese minister twice suspended the conferences, obviously with the object of compelling compliance with his views on certain points at the time under discussion." In a word, it was a negotiation in which Japan dominated and dictated the course and the terms of the discussion.

PROTEST BY UNITED STATES GOVERNMENT.

"40. Presumably it was as much this element of harshness as the subject matter of the negotiation which moved the Government of the United States concurrently to address to the Chinese and Japanese Governments, four days after the delivery of the ultimatum to China, the following identic note:

"In view of the circumstances of the negotiations which have taken place and which are now pending between the Government of China and the Government of Japan and of the agreements which have been reached as a result thereof, the Government of the United States has the honor to notify the Government of the Chinese Republic [Japan], that it can not recognize any agreement or undertaking which has been entered into between the Governments of China and Japan impairing the treaty rights of the United States and its citizens in China, the political or territorial integrity of the Republic of China or the international policy relative to China commonly known as the open-door policy. An identical note has been transmitted to the Japanese [Chinese] Government."

CONCLUSION.

"Summing up the foregoing arguments, it is submitted that they establish the claim of China for the abrogation of the treaties of 1915—

"I. Because these treaties are and constitute one entire transaction or entity arising out of the war and they attempt to deal with matters whose proper determination is entirely a right and interest of the peace conference;

"II. Because they contravene the allied formula of justice and principles now serving as the guiding rules of the peace conference in its task of working out a settlement of the affairs of nations in order to prevent or minimize the chances of war in the future;

"III. Because, specifically, they violate the territorial integrity and political independence of China as guaranteed in the series of conventions and agreements severally concluded by Great Britain, France, Russia, and the United States with Japan;

"IV. Because they were negotiated in circumstances of intimidation and concluded under the duress of the Japanese ultimatum of May 7, 1915; and

"V. Because they are lacking in finality, being so regarded by Japan who sought to make them final by negotiating—before China was suffered to enter the war in association with the Allies and the United States—a set of secret agreements at variance with the principles accepted by the belligerents as the basis of the peace settlement."

APPENDICES.

"No. 1.

"INSTRUCTIONS HANDED AT TOKYO ON DECEMBER 3, 1914, BY BARON KATO TO MR. HIOKI IN CONNECTION WITH THE TWENTY-ONE DEMANDS AND OFFICIALLY PUBLISHED AT TOKYO ON JUNE 9, 1915.

"First instructions given by Baron Kato to Mr. Hioki.

"In order to provide for the readjustment of affairs consequent on the Japan-German war and for the purpose of ensuring a lasting peace in the Far East by strengthening the position of the Empire, the Imperial Government have resolved to approach the Chinese Government with a view to conclude treaties and agreements mainly along the lines laid down in the first four groups of the appended proposals. Of these, the first group relates to the settlement of the Shantung question, while the second group has for its chief aim the defining of Japan's position in south Manchuria and eastern inner Mongolia—that is to say, securing at this time from the Chinese Government full recognition of Japan's natural position in these regions, absence of which has hitherto been the cause of various questions tending to estrange the feelings of the two peoples toward each other. The object of the third group is to safeguard the best interest of the Han-Yeh-Ping Co., with which Japanese capitalists are closely identified. It will thus be seen that there is nothing especially new in our proposals embodied in the foregoing three groups, while as regards the fourth group, it is only intended to emphasize the principle of China's territorial integrity, which has been so often declared by the Imperial Government.

"Believing it absolutely essential for strengthening Japan's position in Eastern Asia as well as for preservation of the general interests of that region to secure China's adherence to

the foregoing proposals, the Imperial Government are determined to attain this end by all means within their power. You are, therefore, requested to use your best endeavor in the conduct of the negotiations, which are hereby placed in your hands.

"As regards the proposals contained in the fifth group, they are presented as the wishes of the Imperial Government. The matters which are dealt with under this category are entirely different in character from those which are included in the first four groups. An adjustment at this time of these matters, some of which have been pending between the two countries, being nevertheless highly desirable for the advancement of the friendly relations between Japan and China as well as for safeguarding their common interests, you are also requested to exercise your best efforts to have our wishes carried out.

"It is very likely that in the course of these negotiations the Chinese Government desire to find out the attitude of the Imperial Government on the question of the disposition of the leased territory of Kiaochow Bay. If the Chinese Government will accept our proposals as above stated, the Imperial Government may, with due regard to the principle of China's territorial integrity and in the interest of the friendship of the two countries, consider the question with a view to restoring the said territory to China in the event of Japan's being given free hand in the disposition thereof as the result of the coming peace conference between Japan and Germany. As, however, it will be absolutely necessary, in restoring the said territory to China, to lay certain conditions such as the opening of the territory for foreign trade, establishment of a Japanese settlement, etc., you will ask for further instructions when you propose to declare to the Chinese Government the willingness of the Imperial Government to consider the question.

"[N. B. Here follow the 'appended proposals' or twenty-one demands, divided into five groups, for a translation of which from the Chinese text, vide Appendix 2.]

"No. 2.

"JAPAN'S 21 DEMANDS.

"Japan's original demands, handed to His Excellency the President Yuan-Shih-kai by His Excellency, Mr. Hioki, the Japanese Minister to China, on January 18, 1915, translated from the Chinese text and published by the Chinese Government at Peking in June, 1915.

"I.

"The Japanese Government and the Chinese Government being desirous of maintaining the general peace in Eastern Asia and further strengthening the friendly relations and good neighborhood existing between the two nations agree to the following articles:

"ARTICLE 1. The Chinese Government engages to give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of all rights, interests, and concessions which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung.

"ART. 2. The Chinese Government engages that within the Province of Shantung and along its coast no territory or island will be ceded or leased to a third power under any pretext.

"ART. 3. The Chinese Government consents to Japan's building a railway from Chefoo or Lungkow to join the Kiaochow-Tsinaufu Railway.

"ART. 4. The Chinese Government engages, in the interest of trade and for the residence of foreigners, to open by herself as soon as possible certain important cities and towns in the Province of Shantung as commercial ports. What places shall be opened are to be jointly decided upon in a separate agreement.

"II.

"The Japanese Government and the Chinese Government, since the Chinese Government has always acknowledged the special position enjoyed by Japan in South Manchuria and Eastern Inner Mongolia, agree to the following articles:

"ARTICLE 1. The two contracting parties mutually agree that the term of lease of Port Arthur and Daini and the term of lease of the South Manchurian Railway and the Antung-Mukden Railway shall be extended to the period of 99 years.

"ART. 2. Japanese subjects in South Manchuria and Eastern Inner Mongolia shall have the right to lease or own land required either for erecting suitable buildings for trade and manufacture or for farming.

"ART. 3. Japanese subjects shall be free to reside and travel in South Manchuria and Eastern Inner Mongolia and to engage in business and in manufacture of any kind whatsoever.

"ART. 4. The Chinese Government agrees to grant to Japanese subjects the right of opening the mines in South Manchuria and Eastern Inner Mongolia. As regards what mines are to be opened, they shall be decided upon jointly.

"ART. 5. The Chinese Government agrees that in respect of the (two) cases mentioned hereinbelow the Japanese Government's consent shall be first obtained before action is taken:

"(a) Whenever permission is granted to the subject of a third power to build a railway or to make a loan with a third power for the purpose of building a railway in South Manchuria and Eastern Inner Mongolia.

"(b) Whenever a loan is to be made with a third power pledging the local taxes of South Manchuria and Eastern Inner Mongolia as security.

"ART. 6. The Chinese Government agrees that if the Chinese Government employs political, financial, or military advisers or instructors in South Manchuria or Eastern Inner Mongolia, the Japanese Government shall first be consulted.

"ART. 7. The Chinese Government agrees that the control and management of the Kirin-Changchun Railway shall be handed over to the Japanese Government for a term of 99 years dating from the signing of this agreement.

" III.

"The Japanese Government and the Chinese Government, seeing that Japanese financiers and the Hanyehping Co. have close relations with each other at present and desiring that the common interests of the two nations shall be advanced, agree to the following articles:

"ARTICLE 1. The two contracting parties mutually agree that when the opportune moment arrives the Hanyehping Co. shall be made a joint concern of the two nations, and they further agree that without the previous consent of Japan, China shall not by her own act dispose of the rights and property of whatsoever nature of the said company nor cause the said company to dispose freely of the same.

"ART. 2. The Chinese Government agrees that all mines in the neighborhood of those owned by the Hanyehping Co. shall not be permitted, without the consent of the said company, to be worked by other persons outside of the said company; and further agrees that if it is desired to carry out any undertaking which it is apprehended may directly or indirectly affect the interests of the said company the consent of the said company shall first be obtained.

" IV.

"The Japanese Government and the Chinese Government, with the object of effectively preserving the territorial integrity of China, agree to the following special article:

"The Chinese Government engages not to cede or lease to a third power any harbor or bay or island along the coast of China.

" V.

"ARTICLE 1. The Chinese Central Government shall employ influential Japanese as advisers in political, financial, and military affairs.

"ART. 2. Japanese hospitals, churches, and schools in the interior of China shall be granted the right of owning land.

"ART. 3. Inasmuch as the Japanese Government and the Chinese Government have had many cases of dispute between Japanese and Chinese police to settle cases which caused no little misunderstanding, it is for this reason necessary that the police departments of important places (in China) shall be jointly administered by Japanese and Chinese or that the police departments of these places shall employ numerous Japanese, so that they may at the same time help to plan for the improvement of the Chinese police service.

"ART. 4. China shall purchase from Japan a fixed amount of munitions of war (say 50 per cent or more) of what is needed by the Chinese Government or that there shall be established in China a Chino-Japanese jointly worked arsenal. Japanese technical experts are to be employed and Japanese material to be purchased.

"ART. 5. China agrees to grant to Japan the right of constructing a railway connecting Wuchang with Kiukiang and Nanchang, another line between Nanchang and Hanchow, and another between Nanchang and Chaochow.

"ART. 6. If China needs foreign capital to work mines, build railways and construct harbor works (including dockyards) in the Province of Fukien, Japan shall be first consulted.

"ART. 7. China agrees that Japanese subjects shall have the right of missionary propaganda in China."

" No. 3.

" JAPAN'S ULTIMATUM TO CHINA.

"Japan's ultimatum delivered by the Japanese Minister to the Chinese Government on May 7, 1915, translated from the Chinese text published at Peking in June, 1915.

"The reason why the Imperial Government opened the present negotiations with the Chinese Government is first to endeavor to dispose of the complications arising out of the war between Japan and Germany, and, secondly, to attempt to solve

those various questions which are detrimental to the intimate relations of China and Japan with a view to solidifying the foundation of cordial friendship subsisting between the two countries to the end that the peace of the Far East may be effectually and permanently preserved. With this object in view, definite proposals were presented to the Chinese Government in January of this year, and up to to-day as many as 25 conferences have been held with the Chinese Government in perfect sincerity and frankness.

"In the course of the negotiation the Imperial Government have consistently explained the aims and objects of the proposals in a conciliatory spirit, while, on the other hand, the proposals of the Chinese Government, whether important or unimportant, have been attended to without any reserve.

"It may be stated with confidence that no effort has been spared to arrive at a satisfactory and amicable settlement of those questions.

"The discussion of the entire corpus of the proposals was practically at an end at the twenty-fourth conference; that is, on the 17th of the last month. The Imperial Government, taking a broad view of the negotiation and in consideration of the points raised by the Chinese Government, modified the original proposals with considerable concessions and presented to the Chinese Government, on the 26th of the same month, the revised proposals for agreement, and at the same time it was offered that, on the acceptance of the revised proposals, the Imperial Government would, at a suitable opportunity, restore, with fair and proper conditions to the Chinese Government the Kiaochow territory, in the acquisition of which the Imperial Government had made a great sacrifice.

"On the 1st of May, the Chinese Government delivered the reply to the revised proposals of the Japanese Government, which is contrary to the expectation of the Imperial Government. The Chinese Government not only did not give a careful consideration to the revised proposals but even with regard to the offer of the Japanese Government to restore Kiaochow to the Chinese Government the latter did not manifest the least appreciation for Japan's good will and difficulties.

"From the commercial and military points of view Kiaochow is an important place, in the acquisition of which the Japanese Empire sacrificed much blood and money, and, after the acquisition the Empire incurs no obligation to restore it to China. But with the object of increasing the future friendly relations of the two countries, they went to the extent of proposing its restoration, yet to her great regret, the Chinese Government did not take into consideration the good intention of Japan and manifest appreciation of her difficulties. Furthermore, the Chinese Government not only ignored the friendly feelings of the Imperial Government in offering the restoration of Kiaochow Bay, but also in replying to the revised proposals they even demanded its unconditional restoration; and again China demanded that Japan should bear the responsibility of paying indemnity for all the unavoidable losses and damages resulting from Japan's military operations at Kiaochow; and still further in connection with the territory of Kiaochow China advanced other demands and declared that she has the right of participation at the future peace conference to be held between Japan and Germany. Although China is fully aware that the unconditional restoration of Kiaochow and Japan's responsibility of indemnification for the unavoidable losses and damages can never be tolerated by Japan yet she purposely advanced these demands and declared that this reply was final and decisive.

"Since Japan could not tolerate such demands, the settlement of the other questions, however compromising it may be, would not be to her interest. The consequence is that the present reply of the Chinese Government is, on the whole, vague and meaningless.

"Furthermore, in the reply of the Chinese Government to the other proposals in the revised list of the Imperial Government, such as South Manchuria and Eastern Inner Mongolia, where Japan particularly has geographical, commercial, industrial, and strategic relations, as recognized by all the nations, and made more remarkable in consequence of the two wars in which Japan was engaged, the Chinese Government overlooks these facts and does not respect Japan's position in that place. The Chinese Government even freely altered those articles which the Imperial Government, in a compromising spirit, have formulated in accordance with the statement of the Chinese representatives, thereby making the statements of the representatives an empty talk; and, on seeing them conceding with the one hand and withholding with the other, it is very difficult to attribute faithfulness and sincerity to the Chinese authorities.

"As regards the articles relating to the employment of advisers, the establishment of schools and hospitals, the supply of arms and ammunition, and the establishment of arsenals and

railway concessions in South China, in the revised proposals they were either proposed with the proviso that the consent of the power concerned must be obtained or they are merely to be recorded in the minutes in accordance with the statements of the Chinese delegates, and thus they are not in the least in conflict either with Chinese sovereignty or her treaties with the foreign powers; yet the Chinese Government, in their reply to the proposals, alleging that the proposals are incompatible with their sovereign rights and treaties with foreign powers, defeat the expectations of the Imperial Government. However, in spite of such attitude of the Chinese Government, the Imperial Government, though regretting to see that there is no room for further negotiations, yet warmly attached to the preservation of the peace of the Far East, is still hoping for a satisfactory settlement in order to avoid the disturbance of the relations.

"So, in spite of the circumstances which admitted no patience, they have reconsidered the feelings of the Government of their neighboring country and, with the exception of the article relating to Fukien, which is to be the subject of an exchange of notes, as has already been agreed upon by the representatives of both nations, will undertake to detach the Group V from the present negotiation and discuss it separately in the future. Therefore the Chinese Government should appreciate the friendly feelings of the Imperial Government by immediately accepting without any alteration all the articles of Groups I, II, III, and IV and the exchange of notes in connection with Fukien Province in Group V as contained in the revised proposals presented on the 26th of April.

"The Imperial Government hereby again offer its advice and hope that the Chinese Government, upon this advice, will give a satisfactory reply by 6 o'clock p. m. on the 9th day of May. It is hereby declared that if no satisfactory reply is received before or at the specified time, the Imperial Government will take steps they may deem necessary.

"No. 4.

"TREATIES AND NOTES SIGNED AND EXCHANGED BETWEEN CHINA AND JAPAN ON MAY 25, 1915.

"Treaty respecting the Province of Shantung."

"His Excellency the President of the Republic of China and His Majesty the Emperor of Japan, having resolved to conclude a treaty with a view to the maintenance of general peace in the Extreme East and the further strengthening of the relations of friendship and good neighborhood now existing between the two nations, have for that purpose named as their plenipotentiaries, that is to say:

"His Excellency the President of the Republic of China, Lou Tseng-tsiang, *Chungching* First Class *Chia Ho* Decoration, Minister of Foreign Affairs;

"And His Majesty the Emperor of Japan, Hioki Eki, *Jushii* Second Class of the Imperial Order of the Sacred Treasure, Minister Plenipotentiary and Envoy Extraordinary:

"Who, after having communicated to each other their full powers and found them to be in good and due form, have agreed upon and concluded the following articles:

"ARTICLE 1. The Chinese Government agrees to give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of all rights, interests, and concessions which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung.

"ART. 2. The Chinese Government agrees that as regards the railway to be built by China herself from Chefoo or Lungkow to connect with the Kiaochow-Tsinanfu Railway, if Germany abandons the privilege of financing the Chefoo-Weihsien Line, China will approach Japanese capitalists to negotiate for a loan.

"ART. 3. The Chinese Government agrees, in the interest of trade and for the residence of foreigners, to open by China herself as soon as possible certain suitable places in the Province of Shantung as commercial ports.

"ART. 4. The present treaty shall come into force on the day of its signature.

"The present treaty shall be ratified by His Excellency the President of the Republic of China and His Majesty the Emperor of Japan, and the ratification thereof shall be exchanged at Tokyo as soon as possible.

"In witness whereof the respective plenipotentiaries of the high contracting parties have signed and sealed the present treaty, two copies in the Chinese language and two in Japanese.

"Done at Peking this 25th day of the fifth month of the fourth year of the Republic of China, corresponding to the same day of the same month of the fourth year of Taisho.

"Exchange of notes respecting Shantung."

"[Note.]

"PEKING, the 25th day of the fifth month of the fourth year of the Republic of China.

"MONSIEUR LE MINISTRE: In the name of my Government I have the honor to make the following declaration to your Government: 'Within the Province of Shantung or along its coast no territory or island will be leased or ceded to any foreign power under any pretext.'

"I avail, etc.,

"(Signed)

LOU TSENG-TSIANG.

"His Excellency HIOKI EKI,

"Japanese Minister.

"[Reply.]

"PEKING, the 25th day of the fifth month of the fourth year of Taisho.

"EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of this day's date in which you made the following declaration in the name of the Chinese Government: 'Within the Province of Shantung or along its coast no territory or island will be leased or ceded to any foreign power under any pretext.'

"In reply, I beg to state that I have taken note of this declaration.

"I avail, etc.,

"(Signed)

HIOKI EKI.

"His Excellency LOU TSENG-TSIANG,

"Minister of Foreign Affairs.

"Exchange of notes respecting the opening of ports in Shantung."

"[Note.]

"PEKING, the 25th day of the fifth month of the fourth year of the Republic of China.

"MONSIEUR LE MINISTRE: I have the honor to state that the places which ought to be opened as commercial ports by China herself, as provided in article 3 of the treaty respecting the Province of Shantung signed this day, will be selected and the regulations therefor will be drawn up by the Chinese Government itself, a decision concerning which will be made after consulting the minister of Japan.

"I avail, etc.,

"(Signed)

LOU TSENG-TSIANG.

"His Excellency HIOKI EKI,

"Japanese Minister.

"[Reply.]

"PEKING, the 25th day of the fifth month of the fourth year of Taisho.

"EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of this day's date in which you stated 'that the places which ought to be opened as commercial ports by China herself, as provided in article 3 of the treaty respecting the Province of Shantung signed this day, will be selected and the regulations therefor will be drawn up by the Chinese Government itself, a decision concerning which will be made after consulting the minister of Japan.'

"In reply, I beg to state that I have taken note of the same.

"I avail, etc.,

"(Signed)

HIOKI EKI.

"His Excellency LOU TSENG-TSIANG,

"Minister of Foreign Affairs.

"Exchange of notes respecting the restoration of the leased territory of Kiaochow Bay."

"[Note.]

"PEKING, the 25th day of the fifth month of the fourth year of Taisho.

"EXCELLENCY: In the name of my Government, I have the honor to make the following declaration to the Chinese Government:

"When, after termination of the present war, the leased territory of Kiaochow Bay is completely left to the free disposal of Japan, the Japanese Government will restore the said leased territory to China under the following conditions:

"1. The whole of Kiaochow Bay to be opened as a commercial port.

"2. A concession under the exclusive jurisdiction of Japan to be established at a place designated by the Japanese Government.

"3. If the foreign powers desire it, an international concession may be established.

"4. As regards the disposal to be made of the buildings and properties of Germany and the conditions and procedure relat-

ing thereto, the Japanese Government and the Chinese Government shall arrange the matter by mutual agreement before the restoration.

"I avail, etc.,

"(Signed) HIOKI EKI.

"His Excellency LOU TSENG-TSIANG,
"Minister of Foreign Affairs.

"[Reply.]

"PEKING, the 25th day of the fifth month of the
fourth year of the Republic of China.

"MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of your excellency's note of this day's date in which you made the following declaration in the name of your Government:

"When, after the termination of the present war, the leased territory of Kiaochow Bay is completely left to the free disposal of Japan, the Japanese Government will restore the said leased territory to China under the following conditions:

"1. The whole of Kiaochow Bay to be opened as a commercial port.

"2. A concession under the exclusive jurisdiction of Japan to be established at a place designated by the Japanese Government.

"3. If the foreign powers desire it, an international concession may be established.

"4. As regards the disposal to be made of the buildings and properties of Germany and the conditions and procedure relating thereto, the Japanese Government and the Chinese Government shall arrange the matter by mutual agreement before the restoration."

"In reply, I beg to state that I have taken note of this declaration.

"I avail, etc.,

"(Signed) LOU TSENG-TSIANG.

"His Excellency HIOKI EKI,
"Japanese Minister.

"Treaty respecting south Manchuria and eastern inner Mongolia.

"His Excellency the President of the Republic of China and His Majesty the Emperor of Japan having resolved to conclude a treaty with a view to developing their economic relations in south Manchuria and eastern inner Mongolia, have for that purpose named as their plenipotentiaries, that is to say:

"His Excellency the President of the Republic of China, Lou Tseng-Tsiang, Chung-ching, first class Chia-ho decoration, and minister of foreign affairs; and his Majesty the Emperor of Japan, Hioki Eki, Jushii, second class of the Imperial Order of the Sacred Treasure, minister plenipotentiary and envoy extraordinary;

"Who, after having communicated to each other their full powers and found them to be in good and due form, have agreed upon and concluded the following articles:

"ARTICLE 1. The two high contracting parties agree that the terms of the South Manchuria Railway and the Antung-Mukden Railway shall be extended to 99 years.

"ART. 2. Japanese subjects in south Manchuria may, by negotiation, lease land necessary for erecting suitable buildings, for trade and manufacture, or for prosecuting agricultural enterprises.

"ART. 3. Japanese subjects shall be free to reside and travel in south Manchuria and to engage in business and manufacture of any kind whatsoever.

"ART. 4. In the event of Japanese and Chinese desiring jointly to undertake agricultural enterprises and industries incidental thereto the Chinese Government may give its permission.

"ART. 5. The Japanese subjects referred to in the preceding three articles, besides being required to register with the local authorities passports, which they must procure under the existing regulations, shall also submit to the police laws and ordinances and taxation of China.

"Civil and criminal cases in which the defendants are Japanese shall be tried and adjudicated by the Japanese consul; those in which the defendants are Chinese shall be tried and adjudicated by Chinese authorities. In either case an officer may be deputed to the court to attend the proceedings. But mixed civil cases between Chinese and Japanese relating to land shall be tried and adjudicated by delegates of both nations conjointly, in accordance with Chinese law and local usage.

"When in future the judicial system in the said region is completely reformed, all civil and criminal cases concerning Japanese subjects shall be tried and adjudicated entirely by Chinese law courts.

"ART. 6. The Chinese Government agrees, in the interest of trade and for the residence of foreigners, to open by China herself, as soon as possible, certain suitable places in eastern Mongolia as commercial ports.

"ART. 7. The Chinese Government agrees speedily to make a fundamental revision of the Kirin-Changchun Railway loan agreement, taking as a standard the provisions in railway loan agreements made heretofore between China and foreign financiers.

"When in future more advantageous terms than those in existing railway loan agreements are granted to foreign financiers in connection with railway loans the above agreement shall again be revised in accordance with Japan's wishes.

"ART. 8. All existing treaties between China and Japan relating to Manchuria shall, except where otherwise provided for by this treaty, remain in force.

"ART. 9. The present treaty shall come into force on the date of its signature. The present treaty shall be ratified by His Excellency the President of the Republic of China and His Majesty the Emperor of Japan, and the ratifications thereof shall be exchanged at Tokyo as soon as possible.

"In witness whereof the respective plenipotentiaries of the two high contracting parties have signed and sealed the present treaty, two copies in the Chinese language and two in Japanese.

"Done at Peking this 25th day of the fifth month of the fourth year of the Republic of China, corresponding to the same day of the same month of the fourth year of Taisho.

"Exchange of notes respecting the terms of lease of Port Arthur and Dalny and the terms of South Manchurian and Antung-Mukden Railways.

"PEKING, the 25th day of the fifth month of the
fourth year of the Republic of China.

"MONSIEUR LE MINISTRE:

"I have the honor to state that respecting the provisions contained in article 1 of the treaty relating to south Manchuria and eastern inner Mongolia, signed this day, the term of lease of Port Arthur and Dalny shall expire in the eighty-sixth year of the Republic, or 1997. The date for restoring the South Manchuria Railway to China shall fall due in the ninety-first year of the Republic, or 2002. Article 12 in the original South Manchurian Railway agreement providing that it may be redeemed by China after 36 years from the day on which the traffic is opened is hereby canceled. The term of the Antung-Mukden Railway shall expire in the ninety-sixth year of the Republic, or 2007.

"I avail, etc.,

"(Signed) LOU TSENG-TSIANG.

"His Excellency HIOKI EKI,
"Japanese Minister.

"[Reply.]

"PEKING, the 25th day of the fifth month
of the fourth year of Taisho.

"EXCELLENCY:

"I have the honor to acknowledge the receipt of your excellency's note of this day's date, in which you stated that 'respecting the provisions contained in article 1 of the treaty relating to south Manchuria and eastern inner Mongolia, signed this day, the term of lease of Port Arthur and Dalny shall expire in the eighty-sixth year of the Republic, or 1997. The date for restoring the South Manchurian Railway to China shall fall due in the ninety-first year of the Republic, or 2002. Article 12 in the original South Manchurian Railway agreement, providing that it may be redeemed by China after 36 years from the day on which the traffic is opened, is hereby canceled. The term of the Antung-Mukden Railway shall expire in the ninety-sixth year of the Republic, or 2007.'

"In reply I beg to state that I have taken note of the same.

"I avail, etc.,

"(Signed) HIOKI EKI.

"His Excellency LOU TSENG-TSIANG,
"Minister of Foreign Affairs.

"Exchange of notes respecting the opening of ports in eastern inner Mongolia.

"[Note.]

"PEKING, the 25th day of the fifth month of the
fourth year of the Republic of China.

"MONSIEUR LE MINISTRE: I have the honor to state that the places which ought to be opened as commercial ports by China herself, as provided in article 6 of the treaty respecting South Manchuria and eastern inner Mongolia signed this day, will be selected and the regulations therefor will be drawn up by the Chinese Government itself, a decision concerning which will be made after consulting the minister of Japan.

"I avail, etc.,

"(Signed) LOU TSENG-TSIANG.

"His Excellency HIOKI EKI,
"Japanese Minister.

" [Reply.]

"PEKING, the 25th day of the fifth month of the fourth year of Taisho.

"EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of this day's date, in which you stated that the places which ought to be opened as commercial ports by China herself, as provided in article 6 of the treaty respecting South Manchuria and eastern inner Mongolia signed this day, will be selected and the regulations therefor will be drawn up by the Chinese Government itself, a decision concerning which will be made after consulting the minister of Japan."

"In reply I beg to state that I have taken note of the same.

"I avail, etc.,

"(Signed) HIOKI EKI.

"His Excellency LOU TSENG-TSIANG,
"Minister of Foreign Affairs.

"South Manchuria.

"[Note.]

"PEKING, the 25th day of the fifth month of the fourth year of the Republic of China.

"MONSIEUR LE MINISTRE: I have the honor to state that Japanese subjects shall as soon as possible investigate and select mines in the mining areas in South Manchuria specified hereunder, except those being prospected for or worked, and the Chinese Government will then permit them to prospect or work the same, but before the mining regulations are definitely settled the practice at present in force shall be followed. Provinces Fentien:

"LOCALITY, DISTRICT, AND MINERAL.

"Niu Hsin T'ai, Pen-hsi, coal.

"Thin Shih Fu Kou, Pen-hsi, coal.

"Sha Sung Kang, Hai-lung, coal.

"T'ieh Ch'ang, Tung-hua, coal.

"Nuan Ti T'ang, Chin, coal.

"An Shan Chan region, from Liaoyang to Pen-hsi, coal and iron.

"KIRIN (SOUTHERN PORTION).

"Sha Sung Kang, Ho-lung, coal and iron.

"Kang Yao, Chi-lin (Kirin), coal.

"Chia P'i Kou, Hua-tien, coal.

"I avail, etc.,

"(Signed) LOU TSENG-TSIANG.

"His Excellency HIOKI EKI,
"Japanese Minister.

"[Reply.]

"PEKING, the 25th day of the fifth month of the fourth year of Taisho.

"EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of this day respecting the opening of mines in South Manchuria, stating: 'Japanese subjects shall as soon as possible investigate and select mines in the mining areas in South Manchuria specified hereunder, except those being prospected for or worked, and the Chinese Government will then permit them to prospect or work the same, but before the mining regulations are definitely settled the practice at present in force shall be followed.'

"Provinces Fentien:

"LOCALITY, DISTRICT, AND MINERAL.

"1. Niu Hsin T'ai, Pen-hsi, coal.

"2. Tien Shih Fu Kou, Pen-hsi, coal.

"3. Sha Sung Kang, Hai-lung, coal.

"4. T'ieh Ch'ang, Tung-hua, coal.

"5. Nuan Ti T'ang, Chin, coal.

"6. An Shan Chan region, from Liaoyang to Pen-hsi, coal and iron.

"KIRIN (SOUTHERN PORTION).

"1. Sha Sung Kang, Ho-lung, coal and iron.

"2. Kang Yao, Chi-lin (Kirin), coal.

"3. Chia P'i Kou, Hua-tien, gold.

"I avail, etc.,

"(Signed) HIOKI EKI.

"His Excellency LOU TSENG-TSIANG,
"Minister of Foreign Affairs of the Republic of China.

"Exchange of notes respecting railways and taxes in South Manchuria and eastern inner Mongolia.

"[Note.]

"PEKING, the 25th day of the fifth month of the fourth year of the Republic of China.

"MONSIEUR LE MINISTRE: In the name of my Government I have the honor to make the following declaration to your Government:

"China will hereafter provide funds for building necessary railways in South Manchuria and eastern inner Mongolia; if

foreign capital is required, China may negotiate for a loan with Japanese capitalists first; and, further, the Chinese Government, when making a loan in future on the security of the taxes in the above-mentioned places (excluding the salt and customs revenue, which have already been pledged by the Chinese Central Government) may negotiate for it with Japanese capitalists first."

"I avail, etc.,

"(Signed) LOU TSENG-TSIANG.

"His Excellency HIOKI EKI,
"Japanese Minister.

"[Reply.]

"PEKING, the 25th day of the fifth month of the fourth year of Taisho.

"EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of this day's date respecting railways and taxes in South Manchuria and eastern inner Mongolia in which you stated:

"China will hereafter provide funds for building necessary railways in South Manchuria and eastern inner Mongolia; if foreign capital is required, China may negotiate for a loan with Japanese capitalists first, and, further, the Chinese Government, when making a loan in future on the security of taxes in the above-mentioned places (excluding the salt and customs revenue which have already been pledged by the Chinese Central Government), may negotiate for it with Japanese capitalists first."

"In reply I beg to state that I have taken note of the same.

"I avail, etc.,

"(Signed) HIOKI EKI.

"His Excellency LOU TSENG-TSIANG,
"Minister of Foreign Affairs.

"Exchange of notes respecting the employment of advisers in South Manchuria.

"[Note.]

"PEKING, the 25th day of the fifth month of the fourth year of the Republic of China.

"MONSIEUR LE MINISTRE: In the name of my Government, I have the honor to make the following declaration to your Government:

"Hereafter, if foreign advisers or instructors on political, financial, military, or police matters are to be employed in South Manchuria, Japanese may be employed first."

"I avail, etc.,

"(Signed) LOU TSENG-TSIANG.

"His Excellency HIOKI EKI,
"Japanese Minister.

"[Reply.]

"PEKING, the 25th day of the fifth month of the fourth year of Taisho.

"EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of this day's date in which you made the following declaration in the name of your Government:

"Hereafter, if foreign advisers or instructors in political, financial, military, or police matters are to be employed in South Manchuria, Japanese may be employed first."

"In reply, I beg to state that I have taken note of the same.

"I avail, etc.,

"(Signed) HIOKI EKI.

"His Excellency LOU TSENG-TSIANG,
"Minister of Foreign Affairs.

"Exchange of notes respecting the explanation of 'lease by negotiation' in South Manchuria.

"[Note.]

"PEKING, the 25th day of the fifth month of the fourth year of Taisho.

"EXCELLENCY: I have the honor to state that the term 'lease by negotiation' contained in article 2 of the treaty respecting South Manchuria and eastern inner Mongolia, signed this day, shall be understood to imply a long-term lease of not more than 30 years, and also the possibility of its unconditional renewal.

"I avail, etc.,

"(Signed) HIOKI EKI.

"His Excellency LOU TSENG-TSIANG,
"Minister of Foreign Affairs.

"[Reply.]

"PEKING, the 25th day of the fifth month of the fourth year of the Republic of China.

"MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of your excellency's note of this day's date in which you state:

"The term 'lease by negotiation' contained in article 2 of the treaty respecting South Manchuria and eastern inner

Mongolia, signed this day, shall be understood to imply a long-term lease of not more than 30 years, and also the possibility of its unconditional renewal."

"In reply I beg to state that I have taken note of the same."

"I avail, etc.,

"(Signed) LOU TSENG-TSIANG.

"His Excellency HIOKI EKI,

"Japanese Minister.

"Exchange of notes respecting the arrangement for police laws and ordinances and taxation in South Manchuria and eastern inner Mongolia.

"[Note.]

"PEKING, the 25th day of the fifth month of the fourth year of the Republic of China.

"MONSIEUR LE MINISTRE: I have the honor to state that as regards the police laws and ordinances and the taxation to which Japanese subjects shall submit, according to article 5 of the treaty respecting South Manchuria and eastern inner Mongolia, signed this day, the Chinese authorities will come to an understanding with the Japanese consul before their enforcement.

"I avail, etc.,

"(Signed) LOU TSENG-TSIANG.

"His Excellency HIOKI EKI,

"Japanese Minister.

"[Reply.]

"PEKING, the 25th day of the fifth month of the fourth year of Taisho.

"EXCELLENCY: I have the honor to acknowledge receipt of your excellency's note of this day's date, in which you state:

"As regards the police laws and ordinances and the taxation to which Japanese subjects shall submit according to article 5 of the treaty respecting south Manchuria and eastern inner Mongolia, signed this day, the Chinese authorities will come to an understanding with the Japanese consul before their enforcement * * *"

"In reply, I beg to state that I have taken note of the same."

"I avail, etc.,

"(Signed) HIOKI EKI."

"His Excellency LOU TSENG-TSIANG,

"Minister of Foreign Affairs.

"[Note.]

"PEKING, the 25th day of the fifth month of the fourth year of the Republic of China.

"MONSIEUR LE MINISTRE: I have the honor to state that, inasmuch as preparations have to be made regarding articles 2, 3, 4, and 5 of the treaty respecting south Manchuria and eastern inner Mongolia, signed this day, the Chinese Government proposes that the operation of the said article be postponed for a period of three months, beginning from the date of the signing of the said treaty.

"I hope your Government will agree to this proposal."

"I avail, etc.,

"(Signed) LOU TSENG-TSIANG."

"His Excellency HIOKI EKI,

"Japanese Minister.

"[Reply.]

"PEKING, the 25th day of the fifth month of the fourth year of Taisho.

"EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of this day's date, in which you stated that 'inasmuch as preparations have to be made regarding articles 2, 3, 4, and 5 of the treaty respecting south Manchuria and eastern inner Mongolia, signed this day, the Chinese Government proposes that the operation of the said articles be postponed for a period of three months beginning from the date of the signing of the said treaty.'

"In reply, I beg to state that I have taken note of the same."

"I avail, etc.,

"(Signed) HIOKI EKI."

"His Excellency LOU TSENG-TSIANG,

"Minister of Foreign Affairs.

"Exchange of notes respecting the matter of Hanyehping.

"[Note.]

"PEKING, the 25th day of the fifth month of the fourth year of the Republic of China.

"MONSIEUR LE MINISTRE: I have the honor to state that if in future the Hanyehping Co. and the Japanese capitalists agree upon cooperation the Chinese Government, in view of the inti-

mate relations subsisting between the Japanese capitalists and the said company, will forthwith give its permission. The Chinese Government further agrees not to confiscate the said company, nor without the consent of the Japanese capitalists to convert it into a State enterprise, nor cause it to borrow and use foreign capital other than Japanese.

"I avail, etc.,

"(Signed) LOU TSENG-TSIANG."

"His Excellency HIOKI EKI,

"Japanese Minister.

"[Reply.]

"PEKING, the 25th day of the fifth month of the fourth year of Taisho.

"EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of this day's date, in which you state:

"If in future the Hanyehping Co. and the Japanese capitalists agree upon cooperation, the Chinese Government, in view of the intimate relations subsisting between the Japanese capitalists and the said company, will forthwith give its permission. The Chinese Government further agrees not to confiscate the said company, nor, without the consent of the Japanese capitalists, to convert it into a State enterprise, nor cause it to borrow and use foreign capital other than Japanese."

"I avail, etc.,

"(Signed) HIOKI EKI."

"His Excellency LOU TSENG-TSIANG,

"Minister of Foreign Affairs.

"Exchange of notes respecting the Fukien question.

"[Note.]

"PEKING, the 25th day of the fifth month of the fourth year of Taisho.

"EXCELLENCY: A report has reached me to the effect that the Chinese Government has the intention of permitting foreign nations to establish, on the coast of Fukien Province, dock yards, coaling stations for military use, naval bases, or to set up other military establishments; and also of borrowing foreign capital for the purpose of setting up the above-mentioned establishments.

"I have the honor to request that your excellency will be good enough to give me reply stating whether or not the Chinese Government really entertains such an intention.

"I avail, etc.,

"(Signed) HIOKI EKI."

"His Excellency LOU TSENG-TSIANG,

"Minister of Foreign Affairs.

"[Reply.]

"PEKING, the 25th day of the fifth month of the fourth year of the Republic of China.

"MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of your excellency's note of this day's date which I have noted.

"In reply I beg to inform you that the Chinese Government hereby declares that it has given no permission to foreign nations to construct on the coast of Fukien Province dockyards, coaling stations for military use, naval bases, or to set up other military establishment; nor does it entertain an intention of borrowing foreign capital for the purpose of setting up the above-mentioned establishments.

"I avail, etc.,

"(Signed) LOU TSENG-TSIANG.

"His Excellency HIOKI EKI,

"Japanese Minister."

"No. 5.

"RUSSO-JAPANESE TREATIES OF 1916.

"In July, 1916, Japan and Russia entered into a public treaty, the terms of which were communicated to the British Government before signature. The terms of this agreement, as published in the Times on July 8, 1916, are as follows:

"The Imperial Government of Japan and the Imperial Government of Russia, resolved to unite their efforts for the maintenance of lasting peace in the Far East, have agreed upon the following:

"ARTICLE 1. Japan will not be a party to any political arrangement or combination directed against Russia.

"Russia will not be a party to any political arrangement or combination directed against Japan.

"ART. 2. Should the territorial rights or the special interests in the Far East of one of the contracting parties recognized by the other contracting party be threatened, Japan and Russia will take counsel of each other as to the measures to be taken in view of the support or the help to be given in order to safeguard and defend these rights and interests."

"THE SECRET RUSSO-JAPANESE TREATY."

"The above treaty, as already stated, was a public one. But at the very same time Russia and Japan entered into a secret treaty consisting of six articles. This treaty was first published in the *Isvestia*, and a translation appeared in the *Manchester Guardian* on February 1, 1918.

"This treaty was signed on July 3, 1916. It runs as follows:

"The Russian Government and the Japanese Imperial Government have, with a view to the greater consolidation of their close friendship, established between them by the secret agreements of July 30, 1907, July 4, 1910, and July 8, 1912, agreed to supplement the above-mentioned secret agreements by the following articles:

"ARTICLE V. The two high contracting parties acknowledge that the vital interests of both require the safeguarding of China against the political domination by any third power entertaining hostile designs against Russia or Japan, and therefore mutually pledge themselves each time when circumstances demand it, to enter into frank relations based on complete mutual trust with one another with a view to taking joint measures for the prevention of the possibility of the advent of such a state of affairs (in China).

"ART. 2. If as a result of the measures taken by mutual agreement by Russia and Japan, in virtue of the preceding article, war should be declared by the third power referred to in article 1 of the present convention on either of the contracting parties, the other party shall on the first demand of its ally come to its assistance, and each of the high contracting parties pledges itself hereby, in case such a situation should arise, not to conclude peace with the common enemy without the previous consent of its ally.

"ART. 3. The terms on which each high contracting party is to render armed assistance to the other in accordance with the preceding article, as well as the form in which this assistance is to be rendered, shall be determined jointly by the respective competent authorities of the two contracting parties.

"ART. 4. Provided that neither high contracting party shall regard itself bound by article 2 of the present convention in respect of rendering armed assistance to its ally so long as it has not been given guaranties by its allies that they, too, will render such assistance to it as would correspond to the seriousness of the impending conflict.

"ART. 5. The present convention enters into force from the moment of its signature, and shall remain in force until July, 1921. Should one of the high contracting parties not deem it necessary, 12 months before the expiry of this term to give notice of its unwillingness to prolong the validity of the present convention, the latter shall remain in force for a period of one year after it has been denounced by one or other of the high contracting parties.

"ART. 6. The present convention shall be kept in complete secrecy from everybody except the two high contracting parties."

"In witness whereof the undersigned have confirmed the present instrument by hand and seal at Petrograd, June 20 (July 3), 1916, corresponding to the Japanese (date of Thursday) seventh month and fifth year in the reign of Taisho.

"(Signed) SAZANOFF, MOTONO."

"[N. B.—The foregoing is an extract from 'The Secret Treaties' published in London, being a compilation of the secret documents found in the archives of the Russian foreign office published by the Russian Revolutionary Government.]"

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by the Washington Board of Trade, petitioning Congress to enact legislation to prohibit the sale of firearms in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. RANSDELL. I present memorials signed by several hundred citizens of Louisiana protesting against the so-called luxury tax as unfair and discriminatory. I move that the memorials be referred to the Committee on Finance.

The motion was agreed to.

Mr. WALSH of Massachusetts presented memorials of employees of the Gregory & Read Co., of Lynn; of the Boston Confectionery Co.; of the Millers Falls Paper Co.; of the Southworth Co., of Mittenague; of the Ideal Coated Paper Co., of Brookfield; of James A. Glass, of Boston; of the Eco Manufacturing Co., of Boston; of the Herring-Hall-Marvin Safe Co.; of the A. J. Bates Co.; of the Barber-Colman Co.; of the Brockway-Smith Corporation; of the Carpenter-Morton Co., of Boston; of the National Corset Co.; of the E. B. Badger & Sons Co.; of the Potter Confectionery Co.; of the Whitin Machine Works, of Whitinsville; of Monks & Johnson; of the Worcester Bleach

& Dye Works Co.; of the Victor Electric Corporation; of the Hallet & Davis Piano Co.; of the National Equipment Co., of Springfield; of the Chapel Mills Manufacturing Co., of Cherry Falls; of the Clemence Associates; of the G. W. J. Murphy Co., of Amesbury; of the Nonotuck Silk Co., of Florence; of the Bourn Hadley Co., of Templeton; of Harry Pitts; of the Haverhill Box Board Co.; of the New England Maple Syrup Co.; of the Blake Pump & Condenser Co., of Fitchburg; of the Bishop Co., of North Attleboro; of P. J. Nangle & Co., of Boston; of the Irving & Casson-A. H. Davenport Co.; of the Fitchburg Foundry Co.; of the F. C. Phillips Co., of Stoughton; of the East Weymouth Wool Scouring Co.; of H. R. Holden & Co.; of the Coates Clipper Manufacturing Co., of Worcester; of the Stockbridge Machine Co.; of the F. H. Sadler Co., of Attleboro; and of the Crandall Engineering Co., of East Boston, all in the State of Massachusetts, remonstrating against the repeal of the so-called daylight-saving law, which were referred to the Committee on Interstate Commerce.

Mr. FERNALD presented petitions of sundry citizens of Guilford, Bath, Portland, Auburn, Bethel, Gardiner, and Belfast, all in the State of Maine, praying for the repeal of the so-called "luxury" tax, which were referred to the Committee on Finance.

Mr. PAGE presented a memorial of the Holy Name Society of St. Peters Parish, Rutland, Vt., remonstrating against the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Lamollee County Association of Congregational Churches of Vermont, remonstrating against the repeal of war-time prohibition, which was referred to the Committee on the Judiciary.

Mr. KEYES presented petitions of sundry citizens of Hanover, Salisbury, Wentworth, Henniker, Strafford, Chichester, New Durham, Madbury, Hollis, Milan, Deerfield, and Jackson, all in the State of New Hampshire, praying for the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

Mr. PHELAN presented a petition of Bellevue Grange, Patrons of Husbandry, of Santa Rosa, Calif., praying for the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

Mr. NELSON presented a petition of the Motorboat Club, of Winona, Minn., praying for a revision of the tax on motor boats, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Minnesota, praying for Government ownership and control of railroads, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (S. J. Res. 72) authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to employees of the United States Department of Agriculture who died in the war with Germany, reported it without amendment.

Mr. CAPPER, from the Committee on Military Affairs, to which was referred the bill (S. 2445) to permit the reenlistment of Omer G. Paquet in the United States Army, reported it without amendment and submitted a report (No. 107) thereon.

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act, reported it with amendments and submitted a report (No. 108) thereon.

APPROPRIATIONS MADE AVAILABLE.

Mr. WARREN. From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 147) to ratify and confirm, from and including July 1, 1919, obligations incurred pursuant to the terms of certain appropriations for the fiscal year 1920. As it contains only about half a dozen lines and is important, I ask for the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read as follows:

Resolved, etc., That appropriations for the service of the fiscal year 1920, contained in the Agricultural, Army, District of Columbia, Navy, and sundry civil appropriations acts, and the "third deficiency appropriation act, fiscal year 1919," shall be available from and including July 1, 1919, for the purposes respectively provided in the said appropriations for the service of the said fiscal year. And all obligations incurred pursuant to the terms of such appropriations in the aforesaid acts as approved are ratified and confirmed from and including July 1, 1919.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bill were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WADSWORTH:

A bill (S. 2621) providing that officers and enlisted men who have been honorably discharged and who reenlist shall be entitled to count their previous service in computing longevity pay;

A bill (S. 2622) to provide necessary commissioned personnel for the Army until June 30, 1920;

A bill (S. 2623) to extend the provisions of an act entitled "An act to provide quarters or commutation thereof to commissioned officers in certain cases," approved April 16, 1918;

A bill (S. 2624) to provide travel allowances for certain retired enlisted men and Regular Army reservists; and

A bill (S. 2625) relating to the disposition of obsolete ordnance, etc., and authorizing the Secretary of War to give to or exchange with foreign governments ordnance, etc., whether of new design or obsolete; to the Committee on Military Affairs.

By Mr. BECKHAM:

A bill (S. 2626) granting an increase of pension to John C. Holsapple; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 2627) authorizing the Secretary of War to donate to the village of White Bear, Minn., a captured German cannon; to the Committee on Military Affairs.

By Mr. MOSES:

A bill (S. 2628) granting an increase of pension to John A. Laughton (with accompanying papers); to the Committee on Pensions.

A bill (S. 2629) to donate a gun or howitzer to the Gordon-Bissell Post of the American Legion, located at Keene, N. H.; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 2630) authorizing the Secretary of War to donate to the town of Camden, Me., one German cannon or fieldpiece; to the Committee on Military Affairs.

A bill (S. 2631) granting an increase of pension to Jotham B. Jacobs; to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 2632) granting a pension to Pleasant R. W. Harris; to the Committee on Pensions.

By Mr. HARDING:

A bill (S. 2633) granting a pension to Samuel J. Haslett; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 2634) granting a pension to Willis McAfee; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 2635) to authorize the Department of Commerce, by the National Bureau of Standards, to examine and test manufactured articles or products for the owner or manufacturer thereof, to issue a certificate as to the nature and quality of such manufactured articles or products, and to prevent the illegal use of such certificate; to the Committee on Commerce.

PRICES OF CATTLE AND SWINE.

Mr. HARRIS. I ask for the immediate consideration of Senate resolution 133, which went over from yesterday.

The VICE PRESIDENT. That is morning business. It comes over from a preceding day.

The Senate proceeded to consider the resolution (S. Res. 133) submitted yesterday by Mr. HARRIS, which was read, as follows:

Resolved, That the Federal Trade Commission be, and it is hereby, directed to make an immediate investigation of the methods of purchase and prices paid for cattle and swine by persons and corporations engaged in the meat-packing industry, with particular reference to the discriminations, if any, operating to the disadvantage of live-stock producers in the Southern States, and to report as soon as practicable to the Senate the results of such investigation.

Mr. HARRIS. Mr. President, the meat packers combine and discriminate against the hog raisers of the South by paying them 3 cents less per pound for hogs than they pay for the same in other sections of the country. This investigation will, in my judgment, show the great injustice being done and the discrimination against the hog raisers of the South. The Federal Trade Commission has made a thorough investigation of the meat packers, and, in connection with the Department of Agriculture, can make this investigation, so that no injustice may be done the hog raisers in my State and section. I therefore ask for the adoption of the resolution.

The resolution was agreed to.

LEAGUE OF NATIONS.

Mr. RANDELL. Mr. President, I wish to announce that after the conclusion of morning business on next Thursday, July 31, I shall address the Senate on the league of nations.

PRICE OF SUGAR.

Mr. SMOOT. Mr. President, I have received a great many protests from different parts of the country as to the price sugar is being sold at to-day. I should like to have the people of the United States know that the sugar producers are still working under the agreement made by Mr. Hoover as head of the Food Administration. They are getting no more for their sugar sold to the wholesalers of the country than they have been receiving since that agreement was first made.

I want the people to understand that that agreement remains in force until after the sugar crop of 1919 is marketed. So wherever exorbitant prices are being paid for sugar it is not because the producer of sugar is charging more than was agreed to a year ago.

I wished to make this statement because of the fact that I have understood there are jobbers in this country making over a dollar a bag upon sugar to-day, based upon the scarcity of sugar. In this connection I wish to say that there have been exportations of sugar of late, and that was taken as an excuse for raising the price of sugar to the consumer. Exportations of sugar have ceased, I am informed by the Food Administration. The American people should not be compelled to pay one penny more for sugar than they have paid during the last year.

Mr. SMITH of Georgia. May I ask the Senator a question? Did we not, in connection with Great Britain, buy a vast quantity of sugar in Cuba?

Mr. SMOOT. We did.

Mr. SMITH of Georgia. Is our part of it coming into the United States?

Mr. SMOOT. It is coming in as required. I will say to the Senator from Georgia that about two months ago there was at that particular time what appeared to be a shortage in the sugar in the United States, but that was brought about more through fear than by anything else, and it was based upon the fact that we were exporting sugar.

Mr. SMITH of Georgia. Just before he left for abroad I discussed the subject with Mr. Hoover, and the real problem then seemed to be whether we could dispose of our entire purchase without a loss.

Mr. SMOOT. I will say to the Senator there is no fear on that account. Some of the sugar sections of Western States are not going to produce more than half a crop this year, and I feel quite certain there is going to be a world shortage of sugar.

Mr. SHERMAN. Will the Senator permit me to make an inquiry before he resumes his seat? I understand the Government now controls the sugar crop?

Mr. SMOOT. It does.

Mr. SHERMAN. It has the entire output?

Mr. SMOOT. It has, as to the sale.

Mr. SHERMAN. I am unable, or anyone in Washington, to purchase more than 2 pounds at a time. I understand that restriction applies over a very large area. Will the Senator explain how a thrifty housewife will do her canning this summer under a Government regulation of that kind?

Mr. SMOOT. I will say to the Senator that that restriction, I understand, is now being removed. The Senator was correct in the statement as applying to two weeks ago, but I understand that since then the restriction has been removed.

Mr. SHERMAN. I want to state that yesterday it was in force on the senior Senator from Illinois. He tried to buy it, and was limited to 2 pounds.

Mr. SMOOT. The Senator is correct as to two weeks ago, but I understand that that situation has been relieved.

Mr. SHERMAN. Grocers in Washington are still enforcing it. They seem not to have followed that direction.

Mr. THOMAS. That is not a Government limitation. It is a limitation imposed by retail dealers in different parts of the country, the reason assigned being that their orders to wholesalers at present are not promptly filled. Whether there is any basis for the reason, I do not know.

PEACE TREATY AND LEAGUE OF NATIONS.

Mr. PITTMAN. Mr. President, the early approval by the United States Senate of the ratification of the peace treaty embracing the league of nations depends, in my opinion, upon the effect that reservations or interpretative clauses, in the resolution which may be adopted by the Senate, will have upon the ultimate approval and adoption of the treaty by the other nations that are parties to the treaty.

If reservations may be made that we have a right to feel certain will be accepted by all of the other nations without involving the reopening of the whole matter of peace negotiations and long and dangerous delays, in my opinion, such reservations will be approved by two-thirds of the Senate.

If, on the other hand, as I now believe, the adoption of any reservation by the Senate will reopen every question involved in the peace negotiation, invite other nations to insist upon amendments and reservations affecting their particular interests, and result in long and dangerous delay if not the entire disruption of the plans for peace, then the treaty will be approved by the Senate as made and submitted to us by the President without reservations, amendments, or other changes.

Before proceeding to a discussion of the law and the facts that lead me to the conclusion that I have reached, permit me to describe, as I see it, the attitude of the various factions or groups in the Senate. They may be divided into four groups: First, those who believe in national isolation and who are opposed to any league of nations; second, those who favor a phantom league of nations without effective powers and who, to accomplish this purpose, would eliminate by amendment or reservations the vital articles of the covenant; third, those who favor the league of nations as it is now planned but who desire that the rights and obligations of the United States under the treaty be made more certain by interpretative reservations in the resolution of approval; fourth, Senators who favor the league of nations and believe that the rights and obligations of our country are definitely stated in the articles of the covenant and who are now ready to vote for the approval of the treaty without amendments, reservations, interpretations, or other qualifications or changes.

There are but a few Senators in the first group. There are but a few more in the second group, and I am confident that those two groups combined do not constitute one-third of the Senators. In the third group there are possibly one-third of the Members of the Senate. The fourth group includes the main body of the Senate, and if a vote were taken to-day I am satisfied that they would cast a majority vote.

The fate of the league of nations does not rest with those Senators who would destroy or emasculate the covenant, but with those other Senators to whom I have referred, who favor the league of nations, but who now have in mind ratification with interpretative reservations. These Senators are not fixed in their determination to vote for reservations. They are studying and weighing the result of a rejection of the treaty as it stands through adoption of reservations. This attitude was clearly expressed by the distinguished Senator from Rhode Island [Mr. CORR] in his able speech delivered in the Senate on July 17, when, in discussing reservations, he said:

"Mr. President, there has been much discussion concerning the league of nations, and the controversy seems to have settled down to the proposition whether the covenant shall be ratified in its present form or with certain reservations. I believe the popular sentiment is universal, and I certainly share it, that the Monroe doctrine should be clearly safeguarded. This is purely an American doctrine, and it differentiates the New World from the Old. I also believe that domestic questions like immigration, which in some of their aspects may be international, should be properly safeguarded. The storm center of these reservations seems to be article 10. As to the retention of this article much may be said on both sides. It may be argued that the United States ought not to bind itself for all time to guarantee the territorial integrity and political independence of the members of the league against external aggression, and yet that argument might not apply with the same force to protecting the territorial settlements made by the peace conference until this new world order is fully established and the present peace of the world made secure. There is a wide distinction between a temporary and a permanent retention of article 10. Upon the question of reservations I reserve my judgment for a full discussion and consideration."

These Senators have nearly all indicated that they would not do anything knowingly that would result in the destruction of the league of nations. They are moved by no such desires. They are urged simply by fear lest some misunderstanding may arise in the future through indefinite language in the body of the treaty. I remember distinctly that the Senator from Missouri [Mr. SPENCER] in his speech before the Senate on the 30th day of June said:

"We must maintain this position of national independence. It is vital not alone from the standpoint of national honor and of national usefulness to the world, but as well from the standpoint of our own commercial, agricultural, and industrial prosperity, and it is for this reason that the American people ought to be assured in advance that in the ratification of the treaty there shall be such reservations as will in no sense require the treaty to be sent back to the other nations of the world and thus delay the final consummation of peace * * *"

The Senator touched the vital question that must be determined by each Senator and that is, Will qualified ratification

of the treaty, with reservations or interpretative expressions, send it back for renegotiation, reconsideration, and reconstruction by a peace conference; and if so, then what will be the probable result of such action? The determination of this question first involves the legal effect of placing reservations or interpretative expressions in the resolution of approval adopted by the Senate. If the reservation becomes a part of the treaty, and our Supreme Court has held that it does, then the consent to and the approval of such reservation must be obtained by the same bodies that are required to consent to and approve the treaty, and with the same formality. If it is necessary that the treaty as negotiated be approved by the United States Senate, then it is equally necessary that any amendment or reservation or interpretative clause added thereto by any other Government a party to the treaty must first receive the approval of two-thirds of the United States Senate before the treaty with such reservations or amendments becomes binding upon our Government. This is equally true, even if our Senate had already approved the treaty and such qualifications were placed in it by other nations subsequent to such approval. Although the treaty had once been approved by the Senate, the President would have no authority to accept it or ratify it in the form in which it was subsequently amended by another party to the treaty. Such qualifications or changes or reservations made by other nations would constitute a different treaty from that which the Senate had already approved, and it would be necessary for it to again be submitted to the Senate for its further advice and consent and approval.

Such was the determination of the United States Senate in the matter of the ratification of the treaty between the United States and Spain, wherein Florida was ceded to the United States. This treaty was signed on the 22d day of February, 1819. On the 24th day of February, 1819, the Senate advised and consented to its ratification with this reservation:

"All grants made since the 24th of January, 1819, when the first proposal on the part of his Catholic Majesty for the cession of the Floridas was made, are thereby declared and agreed to be null and void."

The treaty thus amended by reservation was returned to Spain for ratification. On the 21st day of October, 1820, the King of Spain, in his written ratification annexed to the treaty, admitted in explicit terms that it was the positive understanding of the negotiators on both sides, when the treaty was signed, that the grants were thereby annulled, and declared also that they had remained and did remain entirely annulled and invalid. This would appear to be simply a ratification of the treaty as amended by reservations by the United States Senate, but it was made in different language and therefore might be subject to a different construction by the United States. Therefore the President of the United States again submitted the treaty to the Senate for its further advice and consent. And again, on the 19th day of February, 1821, the Senate, for the second time, advised and consented to the ratification of the treaty, including the interpretative expressions of the King of Spain as a part of the treaty. Subsequently this treaty came before the Supreme Court of the United States for judicial construction, particularly with regard to the effect of the reservations. Mr. Chief Justice Taney, in delivering the opinion of the court, after reciting the facts, stated:

"For it is too plain for argument that where one of the parties to a treaty, at the time of its ratification, annexes a written declaration explaining ambiguous language in the instrument or adding a new and distinct stipulation, and the treaty is afterwards ratified by the other party with the declaration attached to it, and the ratifications duly exchanged, the declaration thus annexed is a part of the treaty, and as binding and obligatory as if it were inserted in the body of the instrument. The intention of the parties is to be gathered from the whole instrument as it stood when the ratifications were exchanged."

Permit me to call attention to the fact that the annexes or reservations made by the King of Spain subsequent to the ratification of the treaty by the Senate were only interpretative and did not in any wise change the purpose or effect of the treaty as previously ratified by the United States Senate. Yet the Senate was entitled to determine that question for itself, and therefore it was resubmitted to the Senate and the Senate found it necessary to again approve the treaty.

Is it not clear, from this precedent of the United States Senate and the decision of the Supreme Court, that any annex or reservation or addition or qualification to the written treaty must be submitted to the other parliaments or officers authorized to consent to and approve treaties?

I know that the Senator from Missouri and the Senator from Rhode Island and other Senators who would like to see interpre-

tative clauses attached to the treaty have hoped that such action would not require reconsideration and further action by the other parties to the treaty. It must now appear that there is no foundation for such hope. It is immaterial whether the Senate considers the reservation as changing the treaty or not, for that is a question under the law of contracts that the other party has an equal right to determine. It is immaterial whether the change be accomplished in the body of the treaty or by reservations in the resolution approving the treaty or by interpretative clauses annexed to the treaty. The question is, Is the wording of the treaty changed? If it is, the construction to be placed upon such words and their effect upon the terms of the treaty are questions to be determined by all of the parties to the treaty. The treaty is a contract; it is an agreement that requires the meeting of the minds of the contracting parties upon the terms. Agreements may be only expressed in words, and words are subject to various constructions. The words, therefore, in a contract are of as much importance to the contracting parties as the agreement itself, and the words once agreed upon can not be changed without the consent of each of the parties to be bound by the contract.

Is it not, then, clear that the argument of some Senators that further consideration and ratification by the other parties is unnecessary, because the words added to the treaty do not change its meaning, has no support in law?

Mr. Justice Brown, in delivering a concurring opinion in the Supreme Court of the United States in the case of *The Diamond Rings* (183 U. S., 182), says, in considering the treaty between the United States and Spain:

"In its essence it is a contract. It differs from an ordinary contract only in being an agreement between independent States instead of private parties. (*Foster v. Neilson*, 2 Pet., 253, 314, 7 L. ed., 415, 435; *Head Money Cases*, 112 U. S., 580, sub nom; *Edye v. Robertson*, 28 L. ed., 798, 5 Sup. Ct. Rep., 247.) By the Constitution (Art. II, par. 2) the President 'shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.'

"Obviously the treaty must contain the whole contract between the parties, and the power of the Senate is limited to a ratification of such terms as have already been agreed upon between the President, acting for the United States, and the commissioners of the other contracting power.

"The Senate has no right to ratify the treaty and introduce new terms into it which shall be obligatory upon the other power, although it may refuse its ratification or make such ratification conditional upon the adoption of amendments to the treaty. If, for instance, the treaty with Spain had contained a provision instating the inhabitants of the Philippines as citizens of the United States the Senate might have refused to ratify it until this provision was stricken out. But it could not, in my opinion, ratify the treaty and then adopt a resolution declaring it not to be its intention to admit the inhabitants of the Philippine Islands to the privileges of citizenship of the United States. Such resolution would be inoperative as an amendment to the treaty, since it had not received the assent of the President or the Spanish commissioners."

The learned justice states that any additions to the treaty must be solemnly ratified by the other party. If the Senate of the United States makes additions to the treaty by words of qualification, limitation, or interpretation in the resolution of approval annexed to the treaty, then what solemn ratification will be required of the other parties to the treaty? The Governments of Great Britain, France, and Italy have already decided that the treaty can not be ratified or become of binding effect upon those countries until it receives the approval of their respective parliaments. The House of Commons of Great Britain has already by an almost unanimous vote approved the treaty as negotiated. The treaty is now before the Chamber of Deputies of France and the Chamber of Deputies of Italy. The laws governing the approval and ratification of treaties in those countries are similar to ours. If we add to the treaty or take away from it or change it in any way, the treaty will then again have to be submitted to the Parliaments of Great Britain, France, and Italy for their approval of the treaty in its changed form.

The decisions that I have quoted defining the law of the ratification of treaties is conclusive upon this subject. If the United States Senate under the law governing treaties is compelled to reconsider the treaty with any changes made by the other Governments parties to the treaty, then the other Governments have got to consider and approve changes that we may make in the treaty before it becomes binding upon them. And there are 22 other Governments besides these I have named to which the treaty must again be resubmitted for solemn approval and ratification in accordance with the laws of those countries.

The premier of Great Britain or the premier of France or the premier of Italy has no more authority to accept and ratify a treaty that may be changed by the Senate of the United States than the President of the United States has to approve and ratify changes that may be made in the treaty by the other Governments who are parties to the treaty. Why is this true? Because the power of approval in each of such countries is vested in its parliament, as it is vested in the Senate in this country.

As Mr. John W. Foster says in his work entitled "The Practice of Diplomacy"—

"The signing of treaties or the exchange of ratifications is sometimes accompanied by protocols signed by the representatives of the two contracting parties, or by declarations on the part of one of the representatives, designed to interpret or affect in some way the terms of the treaties. It is a well-settled principle of the Government of the United States that no such document can have any effect whatever upon a treaty to which it is a party unless the document has been submitted to the Senate and received its approval in the same manner as is required for the treaty itself.

"The citation of a few cases will illustrate this practice. When the treaty of 1824 between the United States and Russia was about to be exchanged, the Russian minister informed Secretary Adams that he was instructed by his Government to file an explanatory note at the time of the exchange of ratification stating the views of his Government as to the meaning and effect of certain articles of the treaty. Secretary Adams informed him that such a note could have no effect whatever upon the treaty unless it was sent to the Senate with the treaty and received its approval, intimating that such a course might imperil the treaty. He advised the minister not to make it a part of his act of exchange of ratifications, but to file it at some date after that event. It would then be received as the interpretation placed upon the treaty by his Government. The minister pursued this course."

I particularly call attention to the last two sentences of the quotation. Secretary Adams advised the Russian minister to file as a separate instrument, and after the ratification of the treaty, any interpretations that his Government might place upon the terms of the treaty. His reason for this is plain, as has been determined by the precedents and decisions that I have heretofore cited. Any resolution of ratification and approval or other writing annexed to or filed as a part of the treaty changing, modifying, or interpreting the treaty in any manner becomes a part of the treaty and must again go through the formality of approval and ratification. The Russian minister took the advice of Secretary Adams. He subsequently filed a statement of the construction and interpretation placed upon the treaty by his Government. This did not become a part of the treaty and therefore did not compel further action upon the treaty, but it gave notice to the United States of the position that Russia would take if the construction of the treaty were ever brought in question. This, as I understand it, is what is sought by some of the Senators who are classified as being in favor of reservations of interpretation.

And again, on page 292, in describing the ratification required by other Governments, he says:

"The agents must not only be authorized to negotiate, but, as we have seen, the treaty must be duly ratified in the form required in each country."

I have already called attention to the fact that this treaty must be ratified by Great Britain, France, and Italy and be approved by their respective parliaments.

I take it from the foregoing precedents, decisions, and opinions that the necessity for the approval by the Parliaments of Great Britain, France, and Italy of any alterations or interpretations annexed to the treaty by the United States Senate is conclusively determined.

It must also follow that each of these parliamentary bodies, and the proper authority of each of the other parties to the treaty, may not only approve or reject our reservations but each may include in its resolution of approval further expressions of interpretation, qualification, or limitation, both as to our own reservations and to other matters in the treaty that may affect its individual interest. If any such reservations are annexed by these parliaments or Governments to the treaty, then under the decision of the Supreme Court and the precedent which I have cited the treaty in its changed form must again be resubmitted to the Senate of the United States for its further advice and consent with regard to approval. So without end changes may be made by these parliamentary bodies, and without end they must be returned to the other parliamentary bodies for their consideration, consent, or approval.

Are we justified in assuming that these other parliaments and Governments will accept without further interpretation our definitions of the articles of the covenant as affecting our own obligations? Is it not natural to suppose that, after the results of the long and tedious labors of the peace conference and the painful efforts at compromise have been once set aside by the United States Government, other Governments will not hesitate to attempt to obtain in the negotiations privileges and protections that they sought during the negotiations and which they failed to obtain? Such a supposition, Mr. President, is not founded upon experience and common knowledge of international diplomacy.

Japan's most bitter fight at the council table was to grant the league jurisdiction to prevent the United States, Canada, and Australia from excluding Japanese from their territories under the immigration laws. Her people are smarting under the alleged stigma. It is the most sensitive question in the Japanese Empire. Think you that the Japanese Government will neglect the opportunity to again insist upon reservations in the treaty covering this point if negotiations are ever again opened?

Think you that the Italian Parliament, having the opportunity by reopening of negotiations, would hesitate to place in the treaty reservations which they believe are necessary to protect her interests at Fiume, Dalmatia, and along the Adriatic when we had set the example?

The Chamber of Deputies of France has demanded of Clemenceau the evidence and the argument upon which he based his justification for signing the treaty without provisions for a standing army under the league to protect the borders of France.

Would there be cause for surprise if, in the circumstances, the Parliament of Great Britain should feel justified in adding a reservation to the treaty when it goes back to them to the effect that the clause providing for limitation of naval armament shall not, by reason of Great Britain's peculiar situation, apply to that Government?

Any reservation by any of these Governments, of this kind or of any other character, will necessitate a return of the treaty for the approval of our Senate and every other parliament or agency invested with the power of approval. There are reservations that I have suggested, and probably many more which I have not mentioned, that our Government would not approve.

And what is the result if there be a failure of approval of our reservations or of the reservations of other nations tacked onto and made a part of the treaty? There is but one alternative—abandonment of efforts for future peace, or long, uncertain, and dangerous renegotiations between all the parties to the treaty.

Mr. President, unless we approve this treaty as it stands, as Great Britain has done, then we open the door to all of the disastrous possibilities of renewed international dissension.

Mr. President, I hesitate to criticize the advice of so distinguished a statesman as Mr. Elihu Root, but his recent expressions are, in my opinion, subject to misconstruction, and the question is of too vital importance to permit his statement to go unanswered. In his letter addressed to Senator Lodge, under date of June 19, and which was published as Senate Document No. 41, in discussing the reservation, he present this argument:

"This reservation and these expressions of understanding are in accordance with long-established precedent in the making of treaties. When included in the instrument of ratification they will not require a reopening of negotiation, but if none of the other signatories expressly objects to the ratification with such limitations the treaty stands as limited as between the United States and the other powers."

"If any doubt were entertained as to the effect of such action, the doubt could be readily dispelled by calling upon the four other principal powers represented in the council to state whether they do in fact object to the entrance of the United States into the league with the understandings and reservations stated in the resolution."

It is true that the practice of adopting reservations is in accordance with the precedents in making treaties, and I have attempted to show, both by citing precedents and decisions, the effects of such reservations. He first states that such reservations "will not require a reopening of negotiations," yet in the very same sentence he admits that the other parties to the treaty may reject the treaty with the reservations by expressly objecting. Does not this power of rejection necessarily imply a re-submission to and reconsideration by the other parties to the treaty of such changes or additions? Are the other parties to the treaty limited to expressly objecting to the reservations or

accepting them? Have they not the same power that our Government has to offer further reservations or clauses of interpretation relating to our particular reservations or to other matters in the treaty that they may consider affect their individual interest? I do not take it that any statesman will question this power. And is it not inevitable, in a peculiar condition such as involves this treaty, where 27 nations, in addition to our enemy, of different races, speaking different languages, with different interests, are involved, that the inevitable result must be a reopening of the whole matter?

In view of the precedents and decisions of our Supreme Court that I have cited, I respectfully insist that Mr. Root's statement that the contract would become binding with our reservations unless the other nations expressly object is not founded in law. If the other Governments fail to approve the treaty with our reservations, in accordance with the laws of their own countries, then the contract is of no binding force or effect. If the ex-Senator sees fit to interpret such action as an "express objection," then he may satisfy himself with regard to his position. But the distinguished statesman admits doubts with regard to the soundness of his own proposition. From one so learned and experienced in such matters, his statement might be taken as advice to the President to call "upon the four other principal powers represented in the council to state whether they do in fact object to the entrance of the United States into the league with the understanding and reservations stated in the resolution."

Why should the President call to the attention of the four other principal powers such changes and not call them to the attention of all of the other 22 powers who assisted in making the treaty and who were parties thereto? Would not the consent of the other powers to such changes have to be obtained before the treaty would be binding upon them? Would Mr. Root be satisfied with the elimination of all of the other powers from the treaty and have only a treaty between the United States and these four powers? What would be the result upon the league of nations if the new treaty as proposed by the Senate were only ratified by the United States and the four other principal nations? Is it not evident that we would then have only an alliance of a group of nations and not a league of all nations? I do not know what Mr. Root may conceive to be the duty of the President of the United States in the premises, but I am satisfied that the President will deem it his duty to call the attention of each and all of the nations who are parties to the treaty to any changes that may be made in the treaty by the Senate, and to request of them that the treaty so changed be approved and ratified according to the laws of their respective countries.

The United States by the ratification of the treaty is assuming serious obligations. It is assuming them upon the theory that all of the other nations who are parties to the treaty are going to assume the same far-reaching obligations. Would the President be doing his duty if he trusted to an equivocal, long-delayed, or implied ratification of the treaty by the other parties to it, with the knowledge of the unfortunate consequences that usually follow such delays and uncertainties?

Again, Mr. Root assumes that it would be an easy matter for the four other principal powers to answer the question as to whether their Governments would consent to such changes in the treaty. The only authority that can answer that question is the authority in whom is vested the power of consenting to and approving such changes. This power is vested in the Parliaments of Great Britain, France, and Italy. How can the President ascertain what action parliaments would take with regard to any proposed reservations by the United States Senate? Who in those Governments or in those parliaments has the knowledge or the authority to answer such a question? If the President of France, the King of England, or the King of Italy should desire to know whether the United States Government would agree to certain proposed reservations on behalf of each one of these respective countries, how would such sovereigns obtain the information from the United States Government? The only power in the United States that can answer such question is the power that has the right of approval or rejection, and that is the United States Senate. Who has the knowledge or authority to answer such questions on behalf of the United States Senate?

The New York Times of July 21 says that Senator LODGE is said to have had word from a prominent British statesman that both Great Britain and France would agree to reservations proposed pertaining to article 10, guaranteeing territorial integrity, the Monroe doctrine, purely domestic questions such as immigration, the tariff, and racial equality, and American right to withdraw from the league upon two years' notice,

America to determine for herself if her obligations to the league had been fulfilled.

From whom could Senator Lodge obtain any authoritative information in Great Britain or France? There is only one power in Great Britain that may answer that question, and that is the British Parliament. There is but one power in France that may answer that question, and that is the French Parliament. And neither of these bodies can answer the question except by a vote.

Mr. President, all such assertions might be considered as idle declarations were it not for the unfortunate effect such statements may have upon the ultimate fate of the treaty and the league of nations.

Mr. WALSH of Montana. Mr. President—

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Montana?

Mr. PITTMAN. I do.

Mr. WALSH of Montana. I desire to inquire if the Senator can inform us whether the Senator from Massachusetts has made any public statement with reference to the interview which the Times attributes to him?

Mr. PITTMAN. Mr. President, I have not seen it.

Mr. WALSH of Montana. Did the interview give the name of the eminent statesman who was able to inform the Senator from Massachusetts?

Mr. PITTMAN. The article to which I have referred did not give the name of any statesman.

Mr. President, no Senator who believes that the peace of the world may only be maintained by the concerted action of nations dare endanger the ratification of the treaty of peace by attaching thereto amendments, reservations, or interpretations, unless he has determined that the interest of his country requires that he vote against the treaty unless such reservations be adopted. No mere doubt as to the construction of an article affecting the United States could justify him holding such beliefs in again throwing the world into chaos.

The nations of the world may all be against us, and in the league of nations they may violently misconstrue the articles affecting our interest. They can accomplish the same purpose if there is no league of nations. They are more apt to attempt to accomplish this purpose if there is no league of nations. If we can not trust the nations of the world to do justice to us in the league of nations, we certainly can not trust them outside of the league of nations.

We can wait for peace; Europe can not. A month or a year might not be noticeable here, but two months may mean the destruction of civilization in Europe. Their able-bodied men have been annihilated; their widows and orphans are starving; their lands have been devastated; their factories have been destroyed; their commerce has ceased to exist, and they have no credit. Nothing thrives in Europe to-day except Bolshevism. It is growing like a rank and poisonous weed. Unless we, by bringing about an early peace, assist in cutting it down and stamping it into the ground its seeds will scatter over the world.

The real peace treaty was not with our enemy, but between us and our friends. There is no precedent for such a treaty. We may force any treaty upon a defeated enemy; we must compromise a treaty between our friends. The ablest and most patriotic statesmen of the world, for months, untiringly gave their lives to reaching this compromise treaty. They all agree that it is the best that can ever be obtained.

If you are against the league of nations, then say so and vote against it; kill it openly and quickly, but do not give it a slow poison that must result in its death. The Governments of Europe must act. They must bring peace and order out of chaos and anarchy or those governments will be swept away. The statesmen of Europe have had an almost superhuman task in meeting the wants and allaying the patience of their people. They are holding them together, waiting for our Government to act, while our Senators slowly debate technical questions and future vague possibilities.

Speaking purely as an American, I believe that our Nation will be in as much danger as any other country in the world if this treaty fails. Already there are signs in Europe of the abandonment of peaceful intentions, and groups of nations are feeling their way to organization for war and conquest. If the world does not soon guarantee France and Italy and the new nations against aggression through concerted action under the league of nations, then an alliance, an offensive and defensive alliance under the old order of things, is inevitable. We know what that alliance will be and we know that we will not be a member of it. We know that there will be an alliance of powers superior to our strength that will not be in sympathy with our policies and our interests. Our Monroe doctrine will then cease to be a doctrine, because we will be unable to maintain it. We will be able

to defend our own shores, but only by establishing and maintaining the greatest navy and the most powerful army that any country ever had. Let us not deceive ourselves nor the people of the country. Let us tell them the truth. Let us tell them that if this league of nations fails, that then they will be called upon and will have to support their Government in a militarism that will be the only safety of our country.

Mr. President, I pray God that the world may awake from this nightmare of horror.

Mr. SMITH of Arizona obtained the floor.

Mr. JONES of New Mexico. Mr. President, I wish to ask the Senator from Nevada a question.

Mr. SMITH of Arizona. I yield for that purpose.

Mr. JONES of New Mexico. The Senate, I am sure, is grateful to the Senator from Nevada for his very valuable contribution to this discussion, but I should like to give the point to one feature of his very able address.

In referring to the interview with former Senator Root, he is quoted as having said, in effect, that some of the governments might accept interpretations or reservations imposed by us without sufficient action. That, of course, means that a contracting party may amend a contract either expressly or by implication. I assume that former Senator Root referred to governments where it was possible that they could accept a reservation or an interpretation by implication simply by acting upon it as thus interpreted. I should like to ask the Senator from Nevada if there is any power in Germany which can accept an interpretation or reservation by implication, and whether it would be necessary, under the present government in Germany, that the treaty should be resubmitted to the Parliament of Germany and the present existing government?

Mr. PITTMAN. I do not think there is any doubt about it. I do not think there would be any question but that under the laws now governing Germany the changed treaty by the additions suggested would necessarily have to go back to the parliamentary body of Germany for ratification and approval.

Mr. JONES of New Mexico. Then, would not Germany be given the perfect right to contend that the treaty which it had ratified has not been ratified by all the powers, and that she is not bound by this treaty until the treaty, in the terms originally submitted to Germany, was ratified by each power intending to be a party signatory to it, and would it not give Germany an opportunity to open up the entire controversy and insist upon such qualifications or interpretations as she might see fit to impose upon it?

Mr. PITTMAN. I think the suggestions of the Senator from New Mexico add to what I have already attempted to make clear, that any changes, no matter how they may be accomplished, made in the treaty by the Senate necessarily must be ratified by the proper legal bodies of all the other countries that are parties to the treaty. There are 27 of them, exclusive of Germany. I think it is clear also that at the same time it goes back to them for their ratification they would not only have the power of ratification or rejection, but they would have the power of further interpretation of what we attempted to interpret and a further power of adding reservations affecting their own interests. In other words, I feel that we should thoroughly understand the situation, and that long delay is inevitable if we add a single amendment or a single reservation or interpretative clause to the treaty.

As to whether a Senator may consider that that delay is justified by the necessity of his amendment or reservation is something that must appeal to his own conscience, and no one else may answer. Long delay might not be as important in the mind of a Senator as the reservation he has in mind.

That is the only question as I take it. I would have no objection to interpretative clauses. I should like to see some interpretative clauses. Like nearly every other Senator, I never saw an instrument drawn by anyone else that I did not feel I could improve upon. I am not governed in my action, however, solely by such sentiments. My action will be dominated by what I consider will bring about an early peace and preserve the league of nations.

Mr. BORAH. Mr. President, I do not wish to interrupt the Senator from Arizona, and will not take more than a moment. As I understand the position of the able Senator from Nevada, it is that no interpretation or amendment which does not go back for action upon the part of the other nations can be of any real effect.

Mr. PITTMAN. Yes; of any legal effect.

Mr. BORAH. I thoroughly agree with the Senator. I have no doubt that view is correct, and I hope the entire Senate will take that view. The idea of the United States putting in an interpretation and Brazil putting in an interpretation which may be in conflict with it, and another nation putting in an inter-

pretation, and assuming that those interpretations are going to have any effect ultimately unless accepted, is perfectly absurd to my mind. I agree entirely with the Senator from Nevada that any interpretation or amendment, or any construction or reservation, must go back and be accepted by those nations before it is worth the paper it is written on.

Mr. PITTMAN. I take it, of course, the Senator agrees with me that when it does go back to be accepted by them it carries with it that meaning, that if accepted by the parliaments or agents of those countries that are authorized to consent to and approve treaties.

Mr. BORAH. Precisely.

Mr. SIMMONS. Will the Senator from Arizona permit me to ask the Senator from Nevada a question?

Mr. SMITH of Arizona. Yes; I will yield.

Mr. SIMMONS. This is the question I wish to ask the Senator from Nevada: The Senator from Idaho says that these reservations have no legal effect. Undoubtedly the Senator is correct in that respect, but if we should make a reservation interpreting our understanding of the treaty or any of its provisions, and Congress should be called upon hereafter to perform any obligation arising out of the treaty with respect to the section to which the reservation is made, would not that reservation of our understanding of its meaning protect this Government against the charge of bad faith if we refused to carry it out with reference to the understanding of other members of the league, but agreed to carry it out with reference to our own understanding as enunciated in the reservation, and would it not be very valuable for that purpose and to that end, although the reservation should have no legal effect?

Mr. PITTMAN. Mr. President, there are two characters of resolutions bearing on the subject. One of them is a resolution made a part of the treaty and the other is a resolution made immediately subsequent to the treaty, either one of which may express the interpretation of our Government. If the expressed interpretation is made a part of the treaty, it requires ratification by the other powers which are parties to the treaty, because it becomes a part of the treaty. If the resolution is made subsequently and apart from the ratification of the treaty, it does not become a part of the treaty and does not bind the other Governments in the construction of the treaty, but it does serve the purposes which the Senator from North Carolina stated, of giving to the other parties notice of the position that our Government will take if the construction is ever brought into question.

Mr. SIMMONS. Yes, Mr. President; and if the reservation is made in such a form that it is legal and binding by the ratification or agreement of other nations, then, of course, it would become a legal obligation.

Mr. PITTMAN. Yes.

Mr. SIMMONS. But the Senator from Idaho was talking about the other character of reservation, a reservation that did not at any stage assume the form of a legal obligation, and he said that that would be of no value.

Mr. PITTMAN. No; I did not so understand it.

Mr. SIMMONS. I did.

Mr. PITTMAN. What he meant was that any reservation, as I understood the Senator; and I understood him to take the position I did, that any reservation or annex of any kind, no matter what you may call it, or any change made in the treaty by the Senate is of no binding effect upon the other parties to the obligation until such change is approved by them according to the laws of their country.

Mr. BORAH. That is the position which I took.

Mr. SIMMONS. I misunderstood the position of the Senator from Idaho.

ADJOURNMENT TO MONDAY.

Mr. CURTIS. Will the Senator from Arizona yield further, that I may make a motion?

Mr. SMITH of Arizona. I yield for that purpose.

Mr. CURTIS. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

Mr. SMITH of Arizona. Mr. President, our representatives at the peace conference, together with the representatives of 30 other powers, have unanimously recommended this covenant for a league of nations establishing a democratic organization worldwide in scope, for the humane and righteous purpose of preventing further wars upon the earth. The sincere effort by this great aggregation of the nations to accomplish the purpose is worth more to the world, far more, than the money expended, and if success follows, as it will, this last horrible, brutal, and devastating war will prove in time to have been the greatest blessing ever vouchsafed the nations and peoples of the earth.

Its horrors awoke the world to the adoption of measures preventing its recurrence. The means to this end finds expression in the league of nations now before us for ratification or rejection. It is as near perfect as the best and sincerest minds of 30 nations could make it, involving as it does so many intricate and portentous interests. It has been criticized in sincerity by some, and assailed and grossly misrepresented by others—sometimes I fear under press of political prejudice. These critics are professedly, devotedly, in favor of a league, but not this one. Not one of them has presented even the skeleton of the league that would suit him, and save the world. A league of nations for the future peace of the world was one of the famous 14 points set forth by the President in his message to Congress, on which a just and an abiding peace must be made. Not one word of objection or dissent was heard then. Why this uproar and clamor now? Oh, you answer, "It is not the kind of a league we wanted." What kind do you want? It is high time to give us a sample of your superior wisdom by presenting a model. Your good faith is at stake. It is easy to tear down what you could not build. The matchless temple of Diana was destroyed by a reckless dupe who hoped that his name might live in history. Is one-third of the Senate of the United States to emulate that achievement by destroying this temple of peace, this league of nations, built by the hands of the chosen architects of 30 nations of the earth, and around which cluster the dreams of the philosopher, the love of the Christians, the hope of a war-ridden and devastated world? Its foundation is laid in the blood of millions on millions of men who fought that civilization might be saved, and that the angel mission, peace on earth, good will among men, might be fully accomplished. No, you will not destroy this dream, this love, this hope of the bleeding world, unless you shall shut your mind from the light of reason and your ears against the suffering cry of humanity. Why should anyone wish to defeat this treaty? Why this hypercritical interpretation of its terms? Why this effort of some Members to make this a party issue? May God have mercy on the man who would willingly place party success above the peace and prosperity of his country. May God pity the narrow, contracted soul and the timid heart of him who would counsel or consent to his country's evasion of the responsibility and duty that modern times and modern events have thrown upon it. We are no longer a hermit Nation, nor can we play the part of a hermit in the fast unfolding duties and obligations resting on the civilization of this hour. We are the most powerful and peace-loving Nation on the earth. We have no cause to fear any. Our position in the affairs of this world demonstrates the fact that no war of any magnitude can be waged without bringing us into its awful vortex. The last one fully reveals that inevitable consequence. The league of nations alone can prevent such a catastrophe in the future. Is it worth trying? The death-dealing discoveries and inventions called forth by the last war make the next one absolutely destructive. Better that some sacrifices, some expenditure of millions for the preservation of peace, than that untold billions should be used again in gaining an empty victory.

Our last war was fought to little purpose, our billions of treasure spent in vain, the blood of our heroic boys offered as a useless sacrifice, if out of it all no provision is made at this epochal time to prevent a recurrence of these woes by establishing a guaranty of all civilized nations against any aggression of one against another.

It seems pitiable to me that men can be found willing by any pretense or under any conviction or for any purpose to throw away this first real chance of the world to better the conditions in it. We are an essential and very important part of the world from now until the end of all human government. This great globe on which all the nations, tribes, and people must live is not larger than a football as compared with a century ago. Whether we will or not, our interest, our trade, our industries, touch every port and every transportation line on earth, and every consideration of all these demand that peace, not war, shall be the normal condition of mankind. Our premier position makes the peace of the world more important to us than to any other people. We have it in our hands now to accomplish this, backed as we are by the common consent and eager acquiescence of all the decent peace-loving nations of the earth. Under the proposed league, ours with them and theirs with us, is a purely contractual relation. All are dealing in good faith, and all intend to keep the contract. We bear no burden not common to all. None can afford to break its contract with us, and we have no intention to violate ours with them. Then why this new-born fear of the league?

Mr. President, these general observations having been submitted, let us see, if we can, what this league of nations pro-

poses, and wherein lies the danger to the United States that its critics affirm. One thing is certain—the league is not a world state or supersovereign as so loudly declared by its opponents on this floor. As I said in starting, the obligations assumed are contractual only, and certain machinery is provided for the fulfillment of these mutual obligations.

First, an assembly in which all States members of the league are to have one vote.

Second, a council of nine members, on which the United States, Great Britain, France, Italy, and Japan are always to be represented, and four other States—Belgium, Brazil, Greece, and Spain—shall be represented on the council.

Third, a secretariat, head of which shall be appointed by the council and ratified by the assembly, and all assistants appointed by him shall be ratified by the council. The States victorious in the late war shall be charter members, together with such States as on invitation shall join. The Central Powers, against whom we fought, are not now to become members of the league for obvious reasons. Eventually all States will become members, because the advantages of membership will constrain them. Admission, however, is allowed only on a two-thirds vote of the assembly. Any State may withdraw on two years' notice if it has fulfilled its obligations under the contract. Mr. Root thought five years was the proper time, but President Wilson had the two-year limit put into the league provisions. This provision alone would save the United States from all the dire evils and fancied wrongs so vociferously asserted in the diaphanous diatribe of desperate debaters on this floor.

The council is to submit plans for a court of international justice for its consideration and adoption. Such a court has been advocated for a half century and more by the leading spirits of every civilized and enlightened country, and various efforts have heretofore been made to accomplish it. A commission on armament is likewise established, which can in no way injure the United States, but vastly redound to its interest. If all disarm in proportion to their local needs and trouble should arise, we have demonstrated to the wondering world our power to surpass all others in hasty preparation for any emergency. We no longer want an army-ridden world. Germany has shown what a menace a fully equipped army is to the peace of unoffending nations. We have now for the first time in history power to limit armament, and that power properly exercised is a sure guaranty of peace.

England and France, unequipped, unready, could not persuade prepared Germany from unbarring the gates of pandemonium and turning loose on the world the crimes and miseries of hell.

Mr. President, the very heart of this covenant is the delay it insures before the first blow is struck. Everyday experience, in even domestic troubles, teaches the necessity of delay and forbearance to prevent hostilities. It is the same with nations as with men. Do you remember the Morocco affair in 1905, where the declared policy of the Kaiser was a prelude of war? A battleship landed off the coast of Agadir. President Roosevelt's influence called the Algeiras conference. This was *after* the dispute had arisen, when the temper was hot, when both sides were ready to fight. The conference brought delay. The whole differences were discussed. The French claims were established in Morocco. The Kaiser quit and imminent war was thus averted.

You remember the Balkan troubles of 1912, where the peace of the world was preserved by the establishment of the conference of London, at which free discussion was had and the threatened war averted—I should say delayed, for it finally came and has just ended. Who would dare doubt if delay and conference could have been had in the fateful month of July, 1914, that the late war could have been avoided? The civilized world was asking for delay, for conference, for discussion. No machinery existed to obtain either delay or discussion. France protested; England tried to persuade; Russia made ignominious concessions, all to no avail. The Kaiser knew that delay was fatal to the aggressor, and he turned loose the dogs of war.

Under old-time and present conditions war follows the failure of diplomacy in all serious controversies between nations. Under the league, when diplomacy fails, resort to arbitration is had, and that means delay and cooling time and return of reason, which secures peace in ninety-nine cases out of every one hundred. If arbitration is not resorted to, the case goes to inquiry before the council of the league for decision, which equally secures delay and enthrones reason in the place that passion had usurped, and thus equally tends to peace. The covenant of the league sets forth the *modus operandi* so plainly that no objection has thus far been urged against it on this floor or elsewhere, so far as I have heard.

Mr. President, the human mind is still an enigma; it can not be analyzed or comprehended. It can become so great under inspiring influences, so small under the persuasion of prejudice, fanaticism, selfishness, envy, malice, and even under the hope of political party success, that the normal man, in normal condition, stands filled with amazement and wonder before this inexplicable paradox. What a fruitful study, as far as example is concerned, this phenomenon offers in the present membership of the Senate. When brutal warfare was driving its plowshare through creation, when we entered it with the declaration that its end must be the end of future war, when we declared that a league insuring peace should result, the leaders of the present opposition consented by their silence that such league should be established. Some of those leaders then were earnest advocates of a league, who are now leading the opposition against this league, but offer no substitute for it. Amendments suggested by them to the President on his short return in March, such as the greater protection of the Monroe doctrine and the right to withdraw from obligations, were inserted by the President on his return to France. He met the unnecessary objections raised then, but no sooner had he done that than we began to hear of the unconstitutional provisions of the league—that it took from Congress the power to declare what tariff taxes should be collected, or at least affected seriously the constitutional powers of Congress in that regard; that in certain emergencies it took from Congress its constitutional power to limit and control appropriations on the happenings of certain fancied events which might occur under the covenants contained in the treaty. What wet nurses of the Constitution these great fault-finding leaders have recently become. These declarations of the unconstitutional covenants of the league would be as laughable as they are silly except for the stupendous tragedy involved in the defeat, under false pretense, of the beneficent hopes held out to us and the eager expectant world in its guaranties and mutual, sincere, and unselfish promises to make the world a better home for all the sons and daughters of men.

The great mass of genuine patriotic American citizens revere the Constitution as the palladium of their liberties, as well as the source of our marvelous prosperity and power. To the unread and busy of this noble class the disingenuous appeal goes forth to defeat, or amend, or qualify this great document, this covenant of peace, fresh from the hands, as I have said, of the biggest, broadest, and best men that could be chosen from the leading nations of the earth, because they say it *violates the Constitution*. Would to God that everyone to whom this prejudicial, yet groundless, appeal is made could be furnished with the illuminating and unanswerable speech of the Senator from Montana [Mr. WALSH], in which he demonstrates beyond the doubt of an honest lawyer that nowhere does this treaty affect the Constitution further than the great majority of our treaties have affected it, and as this treaty in the same degree will affect it to the end of time. The Constitution makes a duly ratified treaty the supreme law of the land. The Constitution makes laws passed in pursuance of the instrument likewise the supreme law of the land. An act of Congress can nullify a treaty. A treaty can repeal an existing law. This was held by the Supreme Court directly in *Whitney against Robinson*, 124 Supreme Court Reports, and in too many other cases has it been so held to admit controversy now.

Why all this clamor about a treaty amending our organic law? Why all this vociferous exaggeration about this covenant changing our form of government? Why this desperate delusion of a supersovereignty being erected on the ruin of our revered Constitution? A super-State, a supreme sovereignty! What is meant by such declamatory catchwords? Do Senators think they are fooling anybody by constant reiteration of them? A super-State, indeed! Without a citizen or subject, with no local habitation or a name, no geography, no army or navy, no treasury, no power to declare war or levy taxes. And yet such is the scarecrow of a super-State that political prejudice or personal hate is holding up to the frightened gaze of those who are oftentimes willing victims of this miserable cheap political camouflage.

Mr. President, guaranteeing other nations against external invasion is no new experience with us. The Monroe doctrine, to the preservation of which such useless and fervid appeal has been made of late, is itself a striking example. I say *useless* appeal for the reason that the Monroe doctrine is not now, and never has been, in jeopardy by reason of any provision in the covenant. Is the Monroe doctrine violative of the constitutional power of Congress to declare war? It simply warns the world that Congress will declare war if the doctrine is questioned by assault of any transoceanic nation. The Monroe doctrine would be a silly threat if the world doubted that Congress would, when

occasion arose, raise armies and pay bills in its maintenance and support. The world knows Congress has said so. Congress always has and always will keep faith with the treaties we make, but the whole diplomatic world knows that Congress has the power to refuse supplies whenever it shall so determine, and every treaty made with us is executed in the light of this knowledge.

The House of Representatives did refuse in the Jay treaty to make the necessary appropriation to carry out its terms, but subsequently revoked this action and the treaty survived. But let it be known that political influence was at work then, as it is now, in opposition to the treaty, and it failed then as it will fail now in carrying out its unreasonable and unholy purpose to defeat the covenant now under consideration.

The same question arose in the Louisiana Purchase, on the question of paying the stipulated price of \$15,000,000, with the same result in the House. It is true that the then political parties reversed face on their former positions between the treaty of 1796 and the treaty of 1803. The plain, outstanding fact remains now as it existed then, to wit, no treaty can declare war, raise taxes, intrude on the constitutional prerogatives of Congress, or hinder in any way—except by moral restraint—the full exercise of its secured functions. It is of no consequence that the treaty deals with a subject on which Congress has power to legislate. As shown by the Senator from Montana in his great speech, to which I have made former reference, that the theory that the treaty-making power does not extend to any subject with reference to which power is invested in Congress has been long ago exploded, if, in fact, it was ever seriously maintained, and he cites so many striking examples, interwoven with argument so lucid and convincing, that no repetition of the history is necessary.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Mississippi?

Mr. SMITH of Arizona. I yield.

Mr. WILLIAMS. I wish to ask permission of the Senator from Arizona to interrupt him to remind him of a matter that is in keeping with the argument he has just made. The Republicans have seriously contended, or serio-comically contended, rather, that this country had no right to agree to guarantee the territorial integrity or the independence of any other part of the world, because that action could not bind future Congresses, and they have contended that it was unconstitutional to agree beforehand to defend the possessions of other countries. I wish to call the attention of the Senator from Arizona to the fact, which he well remembers, that the first treaty ever entered into by this country, made under the Continental Congress and afterwards confirmed under the Constitution, was a solemn promise upon the part of the United States to defend France in her West Indies possessions. That treaty, it is true, was afterwards violated, or breached, rather, under the administration of George Washington, but the treaty was solemnly made under the Continental Congress, solemnly confirmed under the Constitution, and recognized by the United States. By it we undertook to preserve and defend France in her sovereignty and possession of the West Indies Islands. When the time came under George Washington everybody admitted that if we had to go to war to do it, Congress would have to declare war; but, as neither Congress nor Washington wanted to do that, neither one of them did it.

Mr. BORAH. That shows the beauty of making the treaty.

Mr. SMITH of Arizona. I thank the Senator from Mississippi for his illuminating interruption.

But for mere hasty example let me briefly recapitulate. The Constitution gives Congress power over foreign commerce, yet we have entered into many commercial treaties affecting that commerce without objection ever being raised. Congress is given power to lay and collect duties, yet by the Louisiana Purchase treaty the ships of France and Spain entering ceded ports should pay no duty on cargoes. The same principle is found in our treaty with Cuba. This is "meddling with the tariff," yet the Senator from Massachusetts [Mr. LODGE], who objects to this league on that account, voted without comment for the Cuban treaty. But the tariff is a purely domestic question, and with all other such questions is expressly excluded from league jurisdiction.

Congress has power to raise and support armies and to provide and maintain a navy. Yet we entered into a treaty with Great Britain—and for a hundred years have observed it—limiting the number of armed vessels on the Great Lakes. Congress has power to make laws naturalizing aliens. Yet by treaty with Spain, on the purchase of Florida, the inhabitants of that territory were made citizens of the United States, as was also done by the treaty of Guadalupe-Hidalgo with Mexico, yet no one ever contended that the Constitution of the United States was being interfered with by thus creating citizens of the United States by treaty.

Congress has power to make rules and regulations respecting the property of the United States. The Panama Canal is the property and the zone the territory of the United States. As to how we acquired it it is well to say as little as possible, but a settlement of tolls by treaty was never assailed on the ground of its interference with congressional power. Further investigation, no doubt, would multiply instances showing that a subject is not beyond the treaty-making power only because it lies within some powers granted to Congress by the Constitution.

Further investigation no doubt will multiply these cases enormously, and they will continue to multiply as we negotiate other treaties with the peoples of the world.

So it follows that merely because the treaty involves something that Congress has power to do, it does not necessarily interfere with either the powers of Congress or the treaty-making powers.

Why, then, this persistent assault on article 10 of this covenant and the loud declamation against its constitutionality. We did make alliances with other nations before the Constitution was adopted, and that instrument nowhere modifies that right, but confirms it in the treaty-making power. And if the Constitution had been utterly silent on the question, who dares doubt that alliances could be made, would of necessity have to be made, with other powers under the inherent right of an independent sovereignty? Section 10 of the covenant is the very heart of the league of nations and promises the only forceful safeguard in carrying out the purpose of preserving the world peace by using the common, mutual force of the world, if necessary, to discipline and punish a willfully recalcitrant nation that violates the universal Monroe doctrine established by the agreements and covenants of the league. Our Monroe doctrine is excluded *eo nomine* from the jurisdiction of the league, but this even does not satisfy microscopical criticism.

The league in terms declares that "regional questions" * * * "like the Monroe doctrine" shall not be subjected to league domination or to question at all.

Mr. President, if the Monroe doctrine had never been promulgated, if it had never been heard of or thought of, it would nevertheless have been fully protected in carrying out the declared guaranties of this treaty. But, be that as it may, there remains still the fact that article 10 of the covenant, neither in terms nor by any reasonable implication, violates or attempts to violate nor could it violate any provision of the Constitution, nor does it take from Congress or attempt to take from it, nor could it take from it, any power or right granted to Congress under the Constitution.

Article 10 of the league is in the following words:

"The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled."

This undoubtedly binds us, in common with all the other 30 signatories of the treaty, to wage war, if necessary, against an obdurate recalcitrant nation violating the peace of the world. But we have not hesitated heretofore, by treaty—and in a much less worthy cause—to assume an obligation of war.

When the distinguished Senator from Pennsylvania [Mr. KNOX] was Attorney General, under the Roosevelt administration, a treaty was negotiated with Panama, which bound us under certain conditions to go to war with any nation offending the treaty stipulation. He was acting the rôle of a statesman then, and never dreamed that under the treaty-making power he was offending in any way the Constitution of the United States. The first clause of that treaty is in these significant words:

"The United States guarantees and will maintain the independence of the Republic of Panama."

That bond of ours was a direct defiant declaration of war in advance against any and all nations daring to interfere with or destroy the independence of this little, home-made Republic of ours.

Where is Roderick now? This same justly distinguished man, now Senator from Pennsylvania, introduced a resolution in the Senate wherein, among other things, he requests the Senate to affirm, "The Constitution provides the only way it can be amended." * * *—that is absolutely new and illuminating—"the treaty-making power has no authority to make a treaty which in effect amends the Constitution."

It could not if it tried.

Mr. WILLIAMS. The courts would declare it invalid.

Mr. SMITH of Arizona. It would be invalid if it tried; but he said it had no power to make a treaty which in effect amends the Constitution.

"And the Senate can not consent to any treaty provision which would have such effect if enforced."

Listen—

"If enforced."

If it was not constitutional in the first instance, how in the name of conscience could the fact of enforcement have anything to do with that question?

This plainly referred to the obligation of the covenant that we, with all other signatories to it, would go to war in certain specified contingencies.

In answer I submit his own treaty with Panama, by the terms of which he bound the United States, on certain contingencies, to go to war, which "if enforced" would have been unconstitutional. I can not see how enforcement, as I said before, would make it unconstitutional if it was not already so. It has been called to our attention that the Senator from Pennsylvania nowhere in his resolution nor in his speech before this body in advocacy of it unequivocally committed himself to the view that the treaty-making power is not sufficiently broad to warrant a convention or covenant obligating the Nation to make war presently or upon a future contingency, yet the careless or casual reader would receive from the speech and the resolution the impression that the very distinguished Senator from Pennsylvania had announced that doctrine. *I do not think he will proclaim it as his view of the full scope of the treaty-making power.* We all know that no treaty or any law can amend or alter any provision of the Constitution. The debates and press reports on the Panama treaty nowhere discloses any criticism of the treaty-making power to bind our country to make war, if need be, for the protection of Panama independence. Members now living and still serving here, and some of whom are vehemently assailing as unconstitutional the possible war provision hidden in article 10 of this covenant, voted without protest for the war covenant in the Panama treaty. The present Senators who thus voted are LODGE, McCUMBER, NELSON, PENROSE, SMOOT, and WARREN. Not a word of protest came from them. There was a declaration of war, if need be. It was perfectly constitutional then, but there was no political campaign on in connection with the President two years ahead.

Mr. WILLIAMS. It was a promise to make war.

Mr. SMITH of Arizona. It was a declaration of war in advance, just as the Monroe doctrine has always been.

Again in 1846, when Webster, Benton, and Calhoun were Members of the Senate, the United States made a treaty, as we all know, with New Granada. No constitutional objection was raised then against that treaty, which contained, among many covenants, the following:

"The United States guarantees positively and efficaciously"—
Note the binding and earth-challenging force of the words—"to New Granada the perfect neutrality of the Isthmus * * * the United States also guarantees in the same manner the rights of sovereignty and property which New Granada has and possesses over the said territory."

That guaranty positively meant war if trespass occurred on the rights of Granada. Time and time again such guaranties have been given by us in treaty stipulations, to be met now for the first time by a challenge of the power thus exercised. In the light of present circumstances this challenge is quite significant. I refrain from any reference to newspaper caution for us to be certain to preserve the Monroe doctrine, save our rights to pass on questions of immigration—"for God's sake do not take from Congress the power to tax imports," and other like rot from the pen of that profound lawyer, that international authority, that expounder of the Constitution, Mr. Hays, who happens just now to be the political chairman of the Republican national political committee, chosen for that place rather for his political sagacity than for his erudition in broader and more important fields of human endeavor. I will pause long enough to express my profound disappointment that this great world crisis and our connection as the leading Nation with it should be degraded to the low level that debates occupy in party political contests. Coming from this side of the Chamber or from that, the man who views this question from the standpoint of party success, who subrogates the question of the peace of our country and the betterment of the world to party success at the polls, betrays a lack of concern in the great responsibility that our position here imposes.

Every criticism of the league made on this floor and elsewhere is based on the postulate that all the burdens imposed under its terms are to be borne by us alone. All imagined injustice lurking in it is to be visited on us alone. One moment's consideration of the mutuality of the covenant—that each must bear his part in what is done and each must refrain from doing prohibited things—would greatly relieve much of the fear expressed for our safety and the preservation of our rights under it.

Whatever we have to do, England and France and Italy and Japan and some 30 other nations are also bound to do; and every one who joins the league will likewise become bound mutually to do with us the same things exactly. All being obligated to same results, it follows that there is not one chance in one hundred that much will be required, and not one in a thousand that resort to arms will be necessary. Therein lies both the virtue and force of the whole scheme.

These nations have not joined in a conspiracy to rob or ruin any one of its members. Any nation fulfilling its obligation can withdraw from the league on two years' notice being given. This surely gives every protection to us if, indeed, we shall ever stand in need of it. Each nation acting as it is presumed it will act—in perfect good faith—will itself decide the question whether it has performed its obligations in giving notice of withdrawal. Of course, this interpretation carries with it the possible withdrawal to the point of dissolution, yet if this should occur the world would be in no worse attitude—nor in as bad a condition—as it is to-day.

Looking at the world as it is—the attitude of its nations and tongues, with consequent frictions, of changes in relationship—can you imagine a worse condition? If this treaty is not ratified, what will be the result? I refuse to contemplate the catastrophe further than to mention the future Russ-German alliance, with its possible consequences, destruction of Poland and the Czechoslovak State, domination of the Balkan Peninsula, inevitable war between dominated Europe and the United States. We do not know how long it will be. Nothing being done now, it is as inevitable as the last was, without some machinery to settle difficulties in advance. Remember, Germany is not whipped as it should have been. Do not forget the President of that nominal Republic calls himself the President of the German Empire. Keep in mind that the Germany of to-day has not lost its power or purpose of intrigue and alliance beneficial to its commerce and kultur and its force of arms.

Influenced by no fear of all this, but conscious of its possible consequences, is it not the province of good sense for us to provide against it all by making it forever impossible? Why risk a deluge of blood when we can stop it at its very source by this bond of peace?

Mr. President, nothing surprises me more than the baseless assertion that the league of nations, as agreed upon by some 30 nations of the earth, interferes in the remotest way in our immigration or tariff matters or other internationally recognized domestic concerns. Our domestic concerns are and always have been recognized by international law. Why demand now more specific application in the operations of the league? Why should it be made the basis of the covenant? The Supreme Court decided in *Nishimura versus United States*, involving the deportation of a Japanese woman, that:

"It is an accepted maximum of international law that every sovereign nation has the power as inherent in sovereignty and essential to self-preservation to forbid the entrance of foreigners within its dominions or to admit them only in such cases and upon such conditions as it may see fit to prescribe."

That being the recognized law of nations, the purposes of this league are certainly not to interfere with the recognized international law.

Import duties are just as completely within our sovereign jurisdiction, and to hold otherwise would take away the independence of the Nation. If these are accepted maxims of international law, why is it thought necessary to amend the covenant to specifically include immigration and tariff? It is impossible in the league to specifically include subjects already excluded in general terms. All other nations are as deeply interested as we are in preserving their sovereignty. Would France or England or Italy submit their domestic concerns to the decision of a league tribunal or place before it for decision their right to regulate immigration? For purpose of illustration, let us assume the impossible hypothesis, as cited by Mr. Taft, that the council would unanimously recommend that we admit Japanese citizens to our shores without restrictions; what would happen under the terms of article 15 of the league? We do not covenant to comply with the recommendation, nor are the other members of the league under any obligation to enforce it. Japan then might make war on us to compel the admission of her citizens to our shores. She can do that now without a league.

It is enough to say that if we should stop to make limitations or amendments or specify every domestic concern in order to keep the league of nations from interfering with it, this treaty, instead of being 240 or 250 pages long, would be extended to 8,000 pages.

Mr. WILLIAMS. Besides that, human nature not being infallible, we would have omitted a few and they would have been left out.

Mr. SMITH of Arizona. That is true. We might have omitted some, and then another treaty would be required.

Mr. President, I have attempted to make it clear—

First, that this league of nations part of the treaty in no sense invades, assaults, or limits the full sovereignty of the United States any more than any other of the many treaties limits it. All assertion to the contrary amounts only to charges against the treaty-making power as set forth in the Constitution itself. Second, that the Monroe doctrine is *eo nomine* excluded from any jurisdiction of the league; that any amendment or reservation attempting to make this fact plainer or clearer is utterly useless. Exactly the same conditions arise in any effort by any power to override the Monroe doctrine as I have stated in the case of Japan attempting to force her nationals on us.

Third, that article 10 does not encroach on the power of Congress in any way whatever. Under that article, as without it, Congress can and will assess and collect taxes and expend the money thus derived. Congress alone can raise and equip armies. Congress alone can declare war. The existence or non-existence of article 10 has no effect whatever on the power of Congress.

Fourth, that under the league, as freely as without it, our immigration laws, tariff impositions, voting qualifications, and all other purely domestic questions are unaffected.

These facts being manifest, in good faith I ask you opponents of the league of nations, why not quit trying to scare the people with these specters and hobgoblins scurrying among the ruins of our once glorious Constitution and meet the question fairly on the ground of policy? Is it better for the United States and for the peace of the world that we ratify this treaty just as it is? I, for one, am fully convinced that it is far better that it be so ratified and as early as possible. I shall attempt to give reasons for this conclusion before I take my seat.

Mr. President, the general unanimity of opposition to the league on the other side, with the variety of contradictory reasons for each position taken, would lead the normal thinking mind to conclude that a fixed, settled purpose to defeat it had been previously agreed upon. In the light of what has transpired and is now happening, I wonder what would have resulted if the President had submitted the league to these Senators and abided their conclusion before action at the conference table in Paris. He would have been there yet. While Senator KNOX was preserving the Constitution from amendment by treaty stipulation; while Senator REED was preserving the supremacy of the white race in world affairs from the wiles of the sagacious Senegambian armed and equipped with this peace treaty to discomfit by his ballot those white nations he could not destroy by his cunning; while Senator SHERMAN was brooding over a deep conspiracy lurking in this same league whereby the Pope of Rome is to become in turn the conqueror of the Senegambian and supreme ruler of the nations of the earth; while Senator LODGE was protecting, if need be with his blood, the Monroe doctrine from assaults that never had been nor ever would be made—and while all the balance, each with his groundless objections to this or that part of a section or line of the treaty—the President would have stood as helpless before this babel as Japan stood before the conference trying to change the immigration laws of England and America. He evidently would have had as much trouble with thirty-odd Senators over mere quibbles as he had with thirty-odd nations over questions of supreme national and international importance.

Having performed his great duty under the Constitution with rare judgment, tact, patience, and statesmanship, he submits the result of those labors, the best under the varied and trying circumstances that could be obtained, and asks your indorsement. *Do you not, every one of you, really feel that the great effort to secure the peace of the world is worth trying out?*

Having performed all our obligations under the treaty, we can withdraw from the league by giving a short two years' notice. What greater protection could you desire? We will be the sole judges as to whether we have performed our duty. I have before adverted to this, but I wish to put particular emphasis on this point again. The question was raised on the floor last week by the Senator from Idaho [Mr. BORAH], one of the few logical opponents of the covenant, in his comments on the position taken by Senator SWANSON on this right of withdrawal on two years' notice. It was pertinently asked, Who is to be the judge as to whether, on giving due notice, we have performed our obligations? Clearly we are left the only judge of that question, and from our decision there can be no appeal. If the decision of that question was intended to be left to the council it would have been so stated. We were all dealing in good faith, and each signatory representing the sovereignty of his nation did not consent and would not have consented that the performance of duty by a sovereign State as that State saw

its duty should be subjected to the judgment or decision of any other State or any number of them. The question of performance or nonperformance of a duty or obligation by any sovereignty, when no contrary binding provision is expressly stated in the stipulation, remains wholly with the sovereignty. Rights or powers of sovereignty can not be limited by implication.

If any other course had been intended, as I said before, it would have been stated in unmistakable terms.

It matters not how many votes the council or the assembly may contain so long as the treaty requires a unanimous vote to enter a war, or establish a blockade, or institute a commercial boycott. In all such cases the decision of our entering the fray rests with us. In every great responsible question this requirement of a unanimous vote leaves our action in our own hands for our own determination; and this right, when freely exercised, can bring no dishonor on our name or subject us to any just criticism by any member or members of the league.

This, with our further right to withdraw from the league on two years' notice, is sufficient guarantee against any possible harm to us or our institutions to allay—yes, to remove—all fear of any man, however timid, provided that he is also decently honest. In other words, every grave, important step is hedged about by a unanimous vote, and the withdrawal clause can intervene to prevent any action detrimental to us.

There is no question of our right to withdraw from the league on giving the two years' required notice and on our performance of all obligations as we see them and judge them for ourselves.

I repeat, Mr. President, can we not, in the presence of all these protective provisions, afford to go at slight expense hand in hand with the balance of the world a little distance in helping them, and they helping us, to stop useless bloodshed and cruel wars amongst us all? God give us the light to see our duty and the heart to perform it.

Mr. President, I think I am—I know I try to be—a very gentle judge of other men's motives and conduct; yet I can not suppress the expression of my doubt of the superior Americanism of certain opponents of this league just because, and only because, they themselves assert it. We who are trying to make secure the peace of the world love America just as much and have within us just as much Americanism as those truculent souls who would bathe her face in blood every morning. We are Americans just the same, but we must carefully distinguish between the desire for peace which springs from a timid soul seeking personal safety and that of a stout heart seeking the way of righteousness. This thought brings with it to my mind the late President Roosevelt and the part he is made to play in opposing this league of nations. When alive nobody dared speak for him; when dead, anybody can who will. Some tell us exactly what he thought of a league of nations that never appeared until long after his death. I prefer to take what Roosevelt said of his own position on a league of nations rather than words put in his cold, dead lips by any man whatever. No one doubted the Americanism of this great human dynamo. Let us ask him what he thought of a league to prevent war and let us take his answer from his own pen. He with all his fighting instincts delighted to be known as a peacemaker, as he in fact was, and for his services as such in 1910 he was awarded the Nobel peace prize, and in acknowledgment of that honor said:

"It would be a master stroke if those great powers honestly bent on peace would form a league of peace, not only to keep the peace among themselves, but to prevent, by force, if necessary, its being broken by others."

He did not seem to be afraid of the constitutionality of that part of it.

"The supreme difficulty in connection with developing the peace work of The Hague arises from the lack of any executive power, of any police power, to enforce the decrees of the courts."

In October, 1914, after the outbreak of this very war, Col. Roosevelt published an article in which he said:

"The one permanent move for obtaining peace which has yet been suggested, with any reasonable chance of attaining its object, is by an agreement among the great powers, in which each should pledge itself not only to abide by the decisions of a common tribunal but to back with force the decision of that common tribunal. The great civilized nations of the world which do possess force, actual or immediately potential, should combine by solemn agreement in a great world league for the peace of righteousness. * * *

"They should furthermore agree not only to abide, each of them, by the decision of the court, but all of them to unite with their military forces to enforce the decree of the court

as against any recalcitrant member. Under these circumstances it would be possible to agree on a limitation of armaments that would be real and effective."

Can you Senators see any fear in that heart of any provision contained in article 10 of this treaty? The following year appeared his book "America and the World War," from which these passages are quoted:

"I earnestly hope that we shall ourselves become one of the joint guarantors of world peace under such a plan as that I in this book outline, and that we shall hold ourselves ready and willing to act as a member of the international posse comitatus to enforce the peace of righteousness as against any offender, big or small. * * * International peace will only come when the nations of the world form some kind of league * * * which puts the collective force of civilization behind such treaties and against any wrongdoing or recalcitrant nation. * * *

"The prime necessity is that all the great nations should agree in good faith to use their combined warlike strength to coerce any nation, whichever one it may be, that declines to abide the decision of some competent international tribunal."

As careful search as I have had time to make fails to reveal any change in Col. Roosevelt's views as above cited. And I think it safer for those who followed him to take what he said when alive as showing his attitude rather than what some one says he would say or should say or might say if he were now living. Let no one who loved, believed in, and followed Roosevelt balk at the alleged dangers lurking in this treaty when he, living, championed a league much more virile along the lines to which objection is now raised.

As suggested by Mr. Morefield Story, in a communication to me and other Senators:

"After months of negotiation their treaty is before us. No nation and no man made it or could make it. In all probability it satisfies no one, but it is the best result on which the nations could unite. Every negotiator has yielded something. Everyone can suggest changes which, in his judgment, would be improvements. Anyone can imagine disasters that may occur notwithstanding the treaty, or perhaps because of it, but it is not within the power of any man or any body of men to draw a treaty which no one can criticize, or which will insure perfect results in an imperfect world. The Senate of the United States can not make a new treaty, and if it refuses to ratify this one the only result must be new negotiations, sure to end in nothing that will satisfy everybody, and equally sure to be attended with ill-feeling and suspicion, which can hardly fail to leave behind them a dangerous international atmosphere."

Just for a moment think of the world being left as the war found it or of its being left as it now is; the preparedness necessary to meet the sure oncoming cataclysm; the explosives, the poisonous gases, the forts, guns, and ships; the airplanes and submarines, the countless men in standing armies, and the enormous fleets fretting the water of every sea; the pathways of the ocean sown with submerged batteries, involve such an expense of money and life that it is simply appalling. In view of this, what must be the condition of this country before the world—this country, which claimed to have entered the war for no selfish interests—if it now refuses to unite with other civilized nations in taking the little step toward better things to which the treaty commits us and them alike? *It would be a shameful betrayal of civilization at the greatest crisis in history.*

The treaty should be ratified as it stands. If it needs amendments, these amendments can be made hereafter, and are far more likely to be made if we have shown toward our Allies confidence and good will by agreeing to the mutual compact than if we now show suspicion of their honesty and exhibit a selfish disregard of every interest but our own.

As late as this last week all the objectors and amenders and reservationists have at last found a common ground of attack on the league of peace, by reason of what some of you have been pleased to call the rape of China; that having occurred, as alleged, through certain alleged concessions granted temporarily to Japan in Manchuria. The protection of the Constitution, the Monroe doctrine, immigration, and the sacred tariff were all forgotten or abandoned in order to save China. The tears, the screams of pain forced from lacerated hearts on that side of the Chamber must have an awful effect on the emotion of the gallery—for whom the show was designed—but those of us on the floor, with millions of others outside, who remember the serene faces of these actors, and their docile acquiescence when great Germany took this same country from helpless China, with greater detriment to the United States, will be pardoned if we refuse to dance to such music and keep our eyes

dry in this deluge of crocodile tears. I do not like that concession to Japan; none of us like any concession.

I do not see how it could have been avoided. I was struck with—and I am sorry that every Senator did not hear—the argument yesterday on that particular question made by the Senator from Arkansas [Mr. Robinson], who has put a light upon it that at least soothes some of the lacerated hearts and probably cools somewhat the feverish imagination of some of our sympathetic friends on the other side of the Chamber.

As I said, I do not like that concession to Japan, but what more could have been done in the surrounding facts and circumstances than was done? We who permitted Germany, without protest, to seize this Chinese territory are in poor position to question the right of Japan who took it from Germany—from Germany, mind you, not from China—by force of arms.

Yet Senator Lodge does not want to see his country's name affixed to such a document. Strange he did not want his own name affixed to any protest against the far greater outrage by Germany on the possessions of China. Japan seized the country and concessions made to Germany by conquest. She held it under that title. She had as much right to it as Germany ever had. Her possession was less detrimental to us than Germany's possession had been. Then why these tears? Japan will keep her word with China and with the league. Without the league, in what better fix would China find herself? No need to pursue the inquiry. You all know the league does no avoidable injury to China. We all deplore the conditions, and can all see that the best possible results have been obtained. In the language of the street, "quit your kicking." I advise some of our friends to quit kicking and decide this question on the policy whether it is right or wrong.

Mr. President, I have spoken too long, but can not close without submitting some comments made by the able correspondent, Mr. Edward Price Bell, after hearing from the press gallery the speech last made by President Wilson before this body:

"President Wilson said all the nations of the world are crying out to their leaders to stop wars. It is so. He said fleets and armies, made by peoples in the hope of peace, have proved a lie. Who will dispute it? He is in favor of 'utterly destroying' the old order of international politics. Who that has read history or has a memory will not agree? 'Terror lies concealed in every balance of power.' Yes; terror, war, an imminent universal maelstrom of anarchy and blood. 'Civilization's united power must put a stop to aggression and give the world peace.' Yes; unless the world is to become a synonym for crimson chaos.

"We are liked in the world now, said Mr. Wilson. So we are liked for that in us which is good. Our position is one of unimpeachable primacy. Not in all history has any other nation been so elevated, so honored, so blessed, so burdened with a moral responsibility unescapable. Wide as our prosperous acres, deep as our mines, great as our industries, impressive as our genius and wealth is our duty. 'Our career has been one of service, not exploitation.' Undoubtedly. 'The light streams on the path ahead and nowhere else.' I can see it nowhere else. 'The league of nations is the only hope for mankind. Dare we reject it and break the heart of the world?' My reply would be that we shall not reject it and break the heart of the world if American leaders are fit to live in the same country with the American people."

AMERICAN TROOPS IN SIBERIA (S. DOC. NO. 60).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, ordered to lie on the table and to be printed.

THE WHITE HOUSE,
Washington, 22 July, 1919.

THE PRESIDENT OF THE SENATE.

SIR: For the information of the Senate, and in response to the resolution adopted June 23, 1919, requesting the President to inform the Senate, if not incompatible with the public interest, of the reasons for sending United States soldiers to Siberia, the duties that are to be performed by these soldiers, how long they are to remain, and generally to advise the Senate of the policy of the United States Government in respect to Siberia and the maintenance of United States soldiers there, I have the honor to say that the decision to send American troops to Siberia was announced to the press on August 5, 1918, in a statement from the Acting Secretary of State, of which a copy is enclosed.

This measure was taken in conjunction with Japan and in concert of purpose with the other allied powers, first of all to save the Czecho-Slovak armies, which were threatened with destruction by hostile armies apparently organized by and often largely composed of enemy prisoners of war. The second pur-

pose in view was to steady any efforts of the Russians at self-defense, or the establishment of law and order in which they might be willing to accept assistance.

Two regiments of infantry, with auxiliary troops—about 8,000 effectives—comprising a total of approximately 10,000 men, were sent under the command of Major General William S. Graves. The troops began to arrive at Vladivostok in September, 1918. Considerably larger forces were dispatched by Japan at about the same time, and much smaller forces by others of the allied powers. The net result was the successful reunion of the separated Czecho-Slovak armies and the substantial elimination in eastern Siberia of the active efforts of enemy prisoners of war. A period of relative quiet then ensued.

In February, 1919, as a conclusion of negotiations begun early in the summer of 1918, the United States accepted a plan proposed by Japan for the supervision of the Siberian railways by an international committee, under which committee Mr. John F. Stevens would assume the operation of the Russian Railway Service Corps. In this connection it is to be recalled that Mr. John F. Stevens, in response to a request of the provisional government of Russia, went to Russia in the spring of 1917. A few months later he was made official adviser to the minister of ways of communication at Petrograd under the provisional government. At the request of the provisional government, and with the support of Mr. John F. Stevens, there was organized the so-called Russian Railway Service Corps, composed of American engineers. As originally organized, the personnel of this corps constituted 14 skeleton division units as known in this country, the idea being that these skeleton units would serve as practical advisers and assistants on 14 different sections of the Siberian Railway and assist the Russians by their knowledge of long-haul problems as known in this country, and which are the rule and not the exceptions in Siberia.

Owing to the Bolshevik uprising and the general chaotic conditions, neither Mr. Stevens nor the Russian Railway Service Corps was able to begin work in Siberia until March, 1918. They have been able to operate effectively only since the railway plan was adopted in February, 1919.

The most recent report from Mr. Stevens shows that on parts of the Chinese-Eastern and Trans-Baikal Railway he is now running six trains a day each way, while only a little while ago they were only able to run that many trains a week.

In accepting the railway plan it was provided that some protection should be given by the allied forces. Mr. Stevens stated frankly that he would not undertake the arduous task before him unless he could rely upon support from American troops in an emergency. Accordingly, as provided in the railway plan and with the approval of the interallied committee, the military commanders in Siberia have established troops where it is necessary to maintain order at different parts of the line. The American forces under Gen. Graves are understood to be protecting parts of the line near Vladivostok, and also on the section around Verchne Udinsk. There is also understood to be a small body of American troops at Harbin. The exact location from time to time of American troops is, however, subject to change by the direction of Gen. Graves.

The instructions to Gen. Graves direct him not to interfere in Russian affairs, but to support Mr. Stevens wherever necessary. The Siberian Railway is not only the main artery for transportation in Siberia, but is the only open access to European Russia to-day. The population of Siberia, whose resources have been almost exhausted by the long years of war and the chaotic conditions which have existed there, can be protected from a further period of chaos and anarchy only by the restoration and maintenance of traffic on the Siberian Railway.

Partisan bands under leaders having no settled connection with any organized government, and bands under leaders whose allegiance to any settled authority is apparently temporary and transitory, are constantly menacing the operation of the railway and the safety of its permanent structures.

The situation of the people of Siberia meantime is that they have no shoes or warm clothing; they are pleading for agricultural machinery and for many of the simpler articles of commerce upon which their own domestic economy depends and which are necessary to fruitful and productive industry among them. Having contributed their quota to the Russian armies which fought the Central Empires for three and one-half years, they now look to the Allies and the United States for economic assistance.

The population of western Siberia and the forces of Admiral Kolchak are entirely dependent upon these railways.

The Russian authorities in this country have succeeded in shipping large quantities of Russian supplies to Siberia, and the Secretary of War is now contracting with the great co-

operative societies which operate throughout European and Asiatic Russia to ship further supplies to meet the needs of the civilian population. The Kolchak Government is also endeavoring to arrange for the purchase of medical and other Red Cross supplies from the War Department, and the American Red Cross is itself attempting the forms of relief for which it is organized. All elements of the population in Siberia look to the United States for assistance. This assistance can not be given to the population of Siberia, and ultimately to Russia, if the purpose entertained for two years to restore railway traffic is abandoned. The presence of American troops is a vital element in this effort. The services of Mr. Stevens depend upon it, and, a point of serious moment, the plan proposed by Japan expressly provides that Mr. Stevens and all foreign railway experts shall be withdrawn when the troops are withdrawn.

From these observations it will be seen that the purpose of the continuance of American troops in Siberia is that we, with the concurrence of the great allied powers, may keep open a necessary artery of trade and extend to the vast population of Siberia the economic aid essential to it in peace time, but indispensable under the conditions which have followed the prolonged and exhausting participation by Russia in the war against the Central Powers. This participation was obviously of incalculable value to the allied cause, and in a very particular way commends the exhausted people who suffered from it to such assistance as we can render to bring about their industrial and economic rehabilitation.

Very respectfully, yours,

WOODROW WILSON.

Mr. BORAH. Mr. President, I shall occupy the time of the Senate for a few moments only. I am not willing that the business of the week shall close without some observations upon a letter which has been issued by the ex-President with reference to the manner in which this treaty should be dealt with. I, perhaps, should not have given any attention to his observations with reference to reservations and interpretations had they not been preceded by a statement which is no less than amazing to me. This letter says in the very beginning:

The partisan character of his administration—

Referring to the President—

during the war, together with his appeal to his countrymen to elect a Democratic Congress in November, 1918, created a condition of personal and political antagonism toward him among Republican leaders which was shared by a majority of the American people. This was shown in the results of the election. Notwithstanding this, Mr. Wilson persisted in continuing the same partisan exclusion of Republicans in dealing with the highly important matter of settling the results of the war.

He selected a commission in which the Republicans had no representation and in which there were no prominent Americans of any real experience and leadership of public opinion.

Without continuing the reading of the letter, upon this statement the ex-President bases his conclusion that the opposition to the league of nations and to the treaty with the league of nations incorporated arises very largely, if not wholly, out of personal dislike or personal opposition to the President. That is a very unfair, unjust, and unfounded statement. To assume that because there may or may not be personal antipathy between the President and Members of the Senate it would result in a Senator taking a position upon a question which involves upon one side, as it is claimed, the peace of the world, and upon the other the integrity and independence of American institutions is, to say the least, an amazing statement. In the debates running on through the days and weeks here in the Senate Chamber such statements coming from Senators in the heat of debate might be justified or overlooked, but deliberately to state to the American people, as this letter when taken as a whole does, that the opposition to the league of nations arises out of personal enmity is a challenge to the intellectual integrity and personal honor of every man who has voiced opposition to this program. I do not, of course, assume to speak for others, and yet I have no doubt I speak the sentiments of others when I say that opposition to the league of nations is based upon a sincere division of view as to its effect, both upon the peace of the world and upon our republican institutions. The questions of personal affronts, of personal dislikes could have no place in shaping a sane man's course in so grave a matter.

The view now entertained has long been entertained and often expressed by those in opposition to the league covenant, and long prior to the events or the incidents in the political history of the United States to which the ex-President refers as being the basis upon which the opposition rests. As early as January, 1917, two and one-half years ago, the debate in this Chamber began with reference to a league and with reference to the United States entering a league or becoming in any way allied

with European powers. At that time it was contended upon the part of some of the supporters of the President that the President had not taken a definite position in regard to this matter; that he had not made up his mind as to whether it was a wise or an unwise procedure. But there was in this country and in England at that time an organization which was advocating that program. Out of the advocacy of that program by that particular organization arose the first debate that ever took place in the Senate, so far as my knowledge goes, in reference to this matter. The exact attitude of the President was then one of the questions debated. But the position of Mr. Taft, the Republican leader and ex-President, was well known. If the attack could be said to be individual it was more against the ex-President than the President. The opposition which was urged at that time by Senators, including myself, was based upon precisely the same principles upon which we urge our opposition to-day. There has been no change of program and no change of principles.

In support of what I have to say, I shall insert in the Record at the close of my remarks a portion of the first debate which took place with regard to this all-important subject. If those who are interested care to go back and examine that debate, it will be seen that the President's position at that time had not become definite. Mr. Taft's position was definite. Speaking for myself, I opposed the plan quite as earnestly and for the same reasons when Mr. Taft was practically its sole sponsor as I have after he and the President joined forces. One could well entertain the view, I imagine, that the President had been guilty of distasteful acts without permitting that to control his action with reference to as grave a matter as can come before Senators for their consideration.

At the time of that debate there could have been no such elements entering into the controversy as those mentioned by the ex-President, because they did not at that time exist. The incidents to which he refers with reference to leaving Republicans off the commission in Paris, with reference to leaving Senators off the commission, with reference to an appeal to the American people for a Democratic Congress, with reference to his partisan attitude concerning these things, were two and a half years, or at least two years, in advance of the time when this debate originally occurred. I say to the ex-President that whatever may be his reason for advocating a league of nations or whatever may be his reasons for changing his position in regard to amendments, the reason for opposition here is based upon an honest, sincere conviction that the proposed league will not promote peace, but will imperil the integrity and independence of our institutions. In that, of course, we may be in error; but the opinion is formed out of a study of these fundamental questions and not out of a personal like or dislike of the President of the United States.

Since this debate began and since men took a position upon this matter these same men have supported the President time and time again in very important affairs; they have stood by him at a time when many other men who are now supporting him in his league of nations were opposed to his policy. I refer to this, as it may be of some interest for the ex-President to inform himself concerning the history of his country for the last two and a half years and not concentrate his attention so much upon the league of nations and its fanciful effect. Anyone who will go back through these debates for nearly three years will come to at least one conclusion, that those who have lead the opposition from the beginning have been open, sincere, and resolute, for they have fought against heavy odds and at great political hazard every inch of the ground.

Mr. President, I am not interested in any form of interpretations or amendments or reservations. No amendments or reservations which leaves us in an alliance or league with European or Asiatic powers will satisfy me. I speak only for myself. I am opposed to this proposition upon fundamental grounds. I do not want ever to be placed in a position where I shall be compelled to cast a final vote for amendments or have no vote at all upon this subject, or where I shall be compelled to cast a final vote for reservations or have no vote at all. I shall be very happy if the votes in the Senate Chamber hold this issue down to the proposition, so that the ultimate vote will be cast absolutely for or against alliance or no alliance with European powers. It is either fundamentally right to enter into this enterprise or it is fundamentally wrong, as I view it. If it is fundamentally right, I do not expect the President of the United States or any other man to perfect the instrument in the first instance; no one but the divine power Himself can, without experience, perfect a thing out of mind; and, if it is fundamentally a correct proposition, I am not going to waste my time with reference to details in regard to it.

To my mind it is fundamentally wrong to draw this Republic into the political alliances of Europe. I do not care whether we proceed a part of the way to-day, and expect to proceed the rest of the way to-morrow; it is the same thing; we are entering into alliances with European powers. Therefore, so far as I am concerned, I trust that that will happen which some Senators upon the other side indicate their desire to have happen, and that is upon the final vote we will be permitted to meet fully and fairly the question of whether we shall have any alliance or league with European powers. I want a chance to record my vote against the whole scheme to ally this Republic and our people with Europe. If Senators on the other side will stand against reservations or amendments, other than those which go to the heart of the question, we will have an opportunity to vote against any league with Europe. I want no amendments which deal with immaterial matters and leave the vital question unchanged.

Mr. President, when the fathers submitted the Constitution to the States there were men in those days who thought they could have interpretations, reservations, and explanations with reference to going into the Union. They were very closely pressed for votes in Virginia, and so they put in a clause in the ratification resolution of Virginia which reads as follows:

We declare and make known that the powers granted under the Constitution, being derived from the people of the United States, may be resumed by them whensoever the same shall be perverted to their injury or oppression.

New York in her ratification resolution stated:

The powers of government may be resumed by the people whensoever it shall become necessary to their happiness.

Rhode Island said:

The powers of government may be resumed by the people whenever it shall become necessary to their happiness.

Other States put in interpretations and reservations and withdrawal privileges, but when the time came to invoke the reservations upon which they relied at the time they joined the league or the covenant or the constitution the powers construing the covenant or constitution paid no attention to them whatever. We may put reservations and constructions into the covenant; but, even if we do, we will then turn the construction of the covenant over to the nine men sitting at Geneva. Suppose Brazil puts a construction upon article 21 and says, "Our understanding in subscribing to this covenant is that the league of nations has power to construe the Monroe doctrine," as England says it has, and the United States puts a construction upon it when it subscribes to the covenant, saying, "Our understanding is that the Monroe doctrine is to be construed by the United States alone"; and the question comes before the council of five or nine as to whether they will give any consideration to the construction placed upon it by Brazil and by the United States. They will do precisely as the United States Supreme Court did in the case of *White against Texas*, in *Seventh Wallace*. They will say: "Having entered the covenant, having become a part of the constitution, having accepted your position in this organization which was submitted to you, the construction of your attitude will be determined under the covenant under which you have proceeded to exercise your right to be here." Unless the amendments or reservations which we adopt go back to the powers submitting this treaty and are by those powers accepted and made a part of the treaty by the common consent of all parties, the amendments or reservations will be utterly useless, will bind nobody, and will be no protection to the United States whatever.

Let the people of this country who are opposed to entering into an alliance with Europe, who are opposed to surrendering the policy of Washington and the doctrine of Monroe, understand that reservations, like political platforms, unless they are conditional upon acceptance by the other powers, are made to get votes and not for the purpose of standing upon them after they once get in. The tactics now is to get votes, and, as Mr. Taft in effect says, we will bait our hook with interpretations. But after we are once in the league, then the council at Geneva, from whose judgment there is no appeal, begins its latitudinous and political constructions and our interpretations will not even be given the "cold respect of a passing glance." The Senators who cast the votes and soothe their consciences with interpretations will have passed on, but the people of the United States will be here and will be informed by the council of Geneva that your individual interpretations were never accepted by the other members of the league. Those interpretations were politics. All amendments should go to the vital question of alliance or no alliance with European powers, and ratification should be conditioned upon their affirmative acceptance.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from Idaho yield to the Senator from Florida?

Mr. BORAH. I yield.

Mr. FLETCHER. May I ask the Senator a question?

Mr. BORAH. Certainly.

Mr. FLETCHER. I understand that the Senator is opposed to any reservation or interpretation or condition or amendment of any kind to the proposed treaty? I understand the Senator takes that position?

Mr. BORAH. What I say and what I hope is that I will have an opportunity to vote against the treaty in its entirety. Of course, if reservations and amendments are offered and the parliamentary situation is such that that is the only opportunity I shall have to record a view, I shall undoubtedly vote for them, but I am utterly opposed to any league or political alliance, and if I had my way about it I would never submit a single interpretation or amendment except one that would end the whole thing.

Mr. FLETCHER. Then, I understand the Senator further to be opposed to any sort of a league or alliance or covenant with other nations in the direction intended to be reached by the league of nations.

Mr. BORAH. I am utterly opposed to it. I want no political partnership or alliance or league which commits us to meddling in European affairs.

Mr. FLETCHER. Then, the Senator is opposed to the proposed treaties with France and with England?

Mr. BORAH. Yes; I am opposed to them.

Mr. FLETCHER. So that the Senator is opposed to any alliance or cooperation with foreign nations of any sort?

Mr. BORAH. Absolutely. Do not misunderstand me for a moment. I stand for the policy of this Government as it has existed for 150 years; that is good enough for me. I prefer to take my chances with this Republic and the people who shall govern it and direct its policies rather than to embarrass it and entangle it with the Governments of Europe. I take this position for two principal among many reasons. Entangling alliances with Europe—I do not care what you put on paper or how beautifully you phrase your league covenants—mean war for our people about things which are of no or only remote concern to our people. It means that our young men will be called upon to suffer and sacrifice in those racial, territorial, and dynastic quarrels, 23 of which are going on now. Your league will not bring peace. The causes of war can not be removed by the mere writing of a covenant, nor can those causes be controlled by any five or nine men. The causes of war lie deep in the structure of European society, and this treaty which lies before us has done much to perpetuate and keep alive those causes.

I take this position for the further reason that you can not enter this league, or any league, worthy of the name without surrendering some of the self-governing powers of the American people, without forfeiting some of the independence of this Republic. These are things, our right to govern ourselves untrammelled by foreign powers and our complete independence as a Nation, which we have always been willing to defend even with arms. I shall never vote to surrender or even jeopardize them. No one will ever have power by my vote to shape the policies or determine the course or the obligations of the United States other than the people of the United States themselves.

Mr. WALSH of Massachusetts. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. BORAH. I yield.

Mr. WALSH of Massachusetts. Mr. President, I wish to know if I understood the Senator from Idaho correctly a few moments ago when he said that, if the Senators upon this side of the Senate shall oppose all amendments and reservations, it was his opinion that the ratification of the treaty would be defeated? Did I understand the Senator to say that?

Mr. BORAH. No; what I said was that I hoped we would have an opportunity to vote straight upon the question of alliance or no alliance with European powers. I hope, however, that if the league is still in the treaty the inference the Senator draws will be correct.

Mr. President, to take an illustration, we have heard a vast amount of discussion about the Monroe doctrine and about how we are going to preserve the Monroe doctrine by reservations. The Monroe doctrine can not be preserved, it does not make any difference what is put upon paper, if we surrender the policy of Washington. The policy of Washington includes the Monroe doctrine. In other words, if we intermeddle in European affairs and become a part of the European system and go to Europe and take part in European concerns, we can not, in the practical affairs of life, prevent Europe from coming to America. It does not make any difference what is written upon paper; we may put upon paper that the Monroe doctrine shall be preserved in its integrity; but, if we intermeddle in European affairs, the re-

morless logic of events will carry Europe to America. If we take part in the concerns of Europe, we may flatter ourselves that we can hold America aloof from Europe, but the silent trend of inevitable facts will soon disillusion our people.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BORAH. I yield.

Mr. THOMAS. The Senator's attitude is identical with that which I took in 1900, when the Spanish-American treaty was being negotiated, one of the results of which was our acquisition of the Philippine Islands. I am curious to know if the Senator believes, as I then believed and still believe, that that treaty, followed by our acquisition of that distant oriental system of islands, was not an act upon our part which materially weakened the consistency of our attitude regarding the Monroe doctrine?

Mr. BORAH. Yes, Mr. President; I think the Senator is correct. I regretted the acquiring of the Philippines, and five years ago I voted to turn them loose.

Mr. THOMAS. So did I.

Mr. BORAH. And I am anxious to get an opportunity to do so again.

Mr. THOMAS. So am I.

Mr. BORAH. If I have had a conviction throughout my life with which it has been possible for me to be consistent at all times, it has been the conviction that we should stay out of European and Asiatic affairs. I do not think that we can have here a great, powerful, independent, self-governing Republic and do anything else; I do not think it is possible for us to continue to be the leading intellectual and moral power in the world and do anything else. I do not think we can successfully achieve the task now confronting us, that of establishing here an industrial democracy, as we have achieved a political democracy, and do anything else.

I desire to refer a little further to the question of preserving the Monroe doctrine. Mr. Jefferson understood perfectly that we could not preserve the Monroe doctrine unless we kept our part and remained out of European affairs, and he so stated very plainly. There were none of the early constructionists or the fathers who dealt with this subject who contemplated anything else, and I say now that those who are willing to surrender Washington's policy and at the same time suppose they can preserve the Monroe doctrine are contemplating the impossible. If I could have my way about it, I would preserve Washington's policy and let the Monroe doctrine take care of itself, if I had to let either take care of itself. Mr. President, we had just as well talk about tearing away the lower story of a house and leaving the upper story stand in mid-air as to tear away Washington's policy and leave the Monroe doctrine intact. One is built upon the other and can not exist without it.

So Mr. Taft's theory of preserving the Monroe doctrine, by a clause which he suggests, would be utterly futile. There is just one way to preserve the Monroe doctrine, and that is to stay out of European affairs and Asiatic affairs.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Florida?

Mr. BORAH. I yield.

Mr. FLETCHER. I suggest to the Senator that the question to be considered is whether or not we are able to stay out of European affairs and Asiatic affairs in these times. We can, of course, refrain from making any contract. But has not this war demonstrated conclusively that we may not be able to be entirely left to our own will about how we shall act and what we shall do in case of trouble in Europe?

Mr. BORAH. Mr. President, it is much easier to stay out of the political affairs of Europe than when Washington was President. But let us assume for the sake of the argument that a condition may again arise when we shall want to take part in some European conflict. Shall we contract in advance that we will do so without consulting the intelligence and the patriotism of the particular hour in which the crisis arises? Shall we say now that 10 years from now, or 20 years from now, we will take part in a European war if the territorial integrity of some nation is involved, without consulting the intelligence and the patriotism of the particular generation that will have to fight that war? Shall we, who can not know the facts, take from those who will know the facts the right to pass upon that stupendous question free of all previous obligation?

Let me give an illustration. Suppose the Senator has a son who is 10 or 15 years of age, and in 10 years from now he has reached the point where, if a war occurs in Europe, he is called upon to perform his part of service as a soldier of his country. A condition arises in Europe which calls for action and consideration. We are to meet the question of whether or not we

are to take part in that particular conflict. The young man looks over the situation and he finds that he is not permitted as a citizen to exercise his judgment about it at all. His father had contracted 15 years before that he shall do so, whether he thinks the war is a righteous war or not. He finds that if a piece of territory is involved it has been agreed he shall go, although he might think the war was unjust. Is that free citizenship? And can a government be a free government which is not permitted to pass upon the facts and circumstances as they arise instead of being contracted in previous years to perform the service whether it wants to or not?

Mr. FLETCHER. I should say as to that that I ought, if possible, to bring about a condition of things now where that supposed son of mine would not be compelled either to take part in a European war or to decide the question which the Senator has suggested. In other words, that is quite a different proposition from the proposal now to endeavor to bring about a condition of things which will insure not only that such a thing as the Senator imagines might occur never can occur, but that such a thing as has recently occurred in Europe never can happen again. As I understand it, that is the purpose of the proposed league. Furthermore, the power to declare war is still left with Congress, as it would be without a league.

Mr. BORAH. Technically I will concede that that is true; but morally and in practice we would be bound to carry out our treaty and the declaration of war by Congress would be in obedience to the treaty merely a perfunctory matter. Congress would not be free to consider alone the then existing situation. But, Mr. President, if the Senator from Florida really believes that this organization is going to prevent war, he entertains a belief which no one who had to do with the organization of it entertained. Why, before they ever left the council table where they had written this league which was to insure peace, they wrote an alliance which was to take care of the next war. Mr. Clemenceau, Mr. Lloyd-George, the representative of Italy, and the representative of Japan—I do not know about the President—would not permit the council to break up until they had prepared for war by an alliance between France and Great Britain, and France and the United States, into which Italy has already asked permission to come. That alliance was made for war, in contemplation of war, in expectation of war, and to take care of war. Not only that, but if this copy of the treaty which was inserted yesterday be correct, Mr. Clemenceau was not willing that the program should proceed to a consummation until the alliance was taken care of, until the war was provided for. There are 23 wars, as I have said, now in progress in Europe. Most of them are over international boundaries, and if this league were in effect we would be there now. And yet who would sacrifice the lives of American boys to determine who should own a particular piece of real estate in some worthless part of Europe—like Siberia, for illustration.

Why are we in Russia at this time? Have we any war with Russia? Are we in conflict with Russia? Have we declared war upon Russia? You say the Congress of the United States has the power to declare war. Have we declared war upon Russia? If not, why are our boys in Russia? Who ordered them there? The council sitting at Geneva will direct that certain steps be taken; and while I will accede to the proposition that technically the Congress of the United States could refuse to declare war, yet the moral pressure which would be brought to bear upon Congress to comply with the action at Geneva would practically deprive it of its legal power to do so. It is one thing to have the technical, legal power to do so; it is another thing to have the moral courage to carry out your legal obligations; and right now, at this time, we are being told by the able Senator from Arizona [Mr. SMITH] that the reason why we should indorse this treaty and ratify it is not necessarily because of its inherent worth, but because the wise men at Versailles have passed upon it.

Mr. HITCHCOCK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I do.

Mr. HITCHCOCK. The Senator is a great admirer and adherent of the Monroe doctrine. Does he think that when that doctrine was enunciated in 1823 it was to prepare for war?

Mr. BORAH. Not necessarily; no.

Mr. HITCHCOCK. Does he not believe that it served to prevent war?

Mr. BORAH. I think, in a measure, it did. But such a principle would not last overnight in Europe.

Mr. HITCHCOCK. Did it ever cost us a dollar or a man?

Mr. BORAH. I do not think it has cost us a man, but it has cost us some money.

Mr. HITCHCOCK. Now, then, if the effect of the Monroe doctrine was not to prepare for war and if the Monroe doctrine had any effect to preserve peace, why does the Senator say that this proposed arrangement with France is to prepare for war? Is it not to prevent war?

Mr. BORAH. Mr. President, the alliance with France operates only in contemplation of war. It is made in expectation of war. It is made in expectation of that which, I think, will happen. As to the Monroe doctrine, it was effective here, for many reasons which would not obtain in Europe. The Senator leaves out of consideration the fact that he is dealing with two distinct civilizations—wholly different governmental institutions, races, and customs. A Monroe doctrine in Europe goes by the name of Holy Alliance or balance of power, but nothing of threat or combination of nations has been able to keep the peace in Europe, and neither will this combination prevent war.

Mr. HITCHCOCK. Will the Senator answer: Was not the Monroe doctrine announced in the face of threats from European nations to make war on American Republics and was not the effect of our declaration to prevent them from doing so? And if the Senator admits that, and even if he contends that Germany is preparing for war on France, how can he deny that with our agreement and Great Britain's agreement to come to the rescue of France it will have the same effect in Europe that the Monroe doctrine had in America?

Mr. BORAH. I think, Mr. President, that the mere fact that we agree to come to the protection of France or to the service of France will have very little effect upon Germany when Germany feels that she is strong enough to regain what she feels have been unjustly taken from her, and evidently that is precisely what the premier thinks. That is not only true of Germany but of other powers. But, Mr. President, suppose that the war does arise. Suppose that the unexpected happens. Does not the Senator think that we ought to have, free of all contractual obligations, the right of an independent and free people to determine, upon all the circumstances under which it arises, whether we shall go to war or not? Does he not think that when that condition comes we ought to be a free people to determine whether we should take part in that conflict? Now, the Monroe doctrine was always our doctrine and it left us free in every emergency to decide for ourselves, unembarrassed by agreements with other nations, what we should do.

I do not say that we should not go to the rescue of France in case Germany assaults her. I am not arguing that question at all; but I do say that if that condition ever arose the people of that particular time, judging all the facts as they should then exist, should have the right to determine whether or not they should go to war, free of any obligation whatever to take anyone else's construction.

Mr. HITCHCOCK. If the United States should take the same position that the Senator takes, Germany would not know whether the United States would come to the rescue of France or not, and Germany might make the same mistake that she made when she entered the late war, and provoke a war; but the Senator well knows that if Germany is convinced in advance that an attempt to undo the results of this war will result in the same parties coming in to preserve those results, Germany will not make the attempt. The whole virtue of this knowledge in advance is to prevent war; whereas the Senator, by leaving that in doubt, would induce war.

Mr. BORAH. Well, now, if it is a question of affecting the mental attitude of Germany, does not the Senator think that the league of nations—in which we agree to protect the territorial integrity of France and the political independence of France—does he not think that the league of nations of itself, without an alliance, would be sufficient? If it is a mere question of an attitude of mind, is not the league, with its powerful organization of which the Senator speaks, a sufficient force to impress itself upon Germany, without a special alliance within the league?

Mr. HITCHCOCK. I will say to the Senator that that is my opinion, but the situation is exactly the same as though the Senator were giving me a note in the case of money loaned, and the note were perfectly good. If some one else were to sign that note in addition to the Senator, it would not impair the note, and it might make it, in the opinion of some people, a little stronger.

Mr. BORAH. But, Mr. President, there is nobody else signing. The United States is simply signing twice. It does not add anything to my material wealth if I sign the Senator's note twice. It does not add anything to his security if he brings me a contract to sign and I sign it, and he brings me the same contract to-morrow and I sign it again.

Mr. HITCHCOCK. The Senator is bringing in, somewhat in advance, the treaty with France. I have stated that I think it is not necessary. I believe that the people of the United States hardly think it is necessary. I believe that they deem the league of nations entirely sufficient; but that is not true with France. France has lived in fear of Germany for generations, and France is still pursued with that fear. France knows that the league of nations is a new venture. It is something in the nature of a new creation. France also knows that the league of nations does not spring into existence immediately. France asks for something to bridge over temporarily, for a few years, that period.

Mr. BORAH. Temporarily.

Mr. HITCHCOCK. Now then, Mr. President, France having asked that thing, what will happen if we refuse it? What happens to the public opinion in France, and what, moreover, happens to the public opinion in Germany? What will be the effect upon the German mind of having the United States refuse to guarantee the results of this war?

Mr. BORAH. Mr. President, we are to guarantee the security and safety of France temporarily, under the alliance, until the league gets into action. Now, if there is anything in the world that is certain it is that Germany can not attack anybody for the next 20 years, because under this treaty she will never have anything with which to attack. She is a perfectly powerless nation to-day. She is reduced to helplessness, and precautions are taken in the treaty to see that that helplessness continues for at least 15 or 20 years. In my judgment it will be 30. Now, the alliance is to take care of a temporary situation. Does the Senator think that it will take the league of nations from 15 to 20 years to get into effective organization? Why, Col. House and Lord Cecil and those people have practically got it completed now. Even before it has been ratified we have a permanent secretary, who is there for life, and they are meeting and organizing and appointing, creating bureaus, and so forth. It will be in existence, in so far as it can ever have any existence, in six months after the ratification, as much as it will ever be. No; that is not what is the trouble with Clemenceau.

Mr. HITCHCOCK. The Senator omits one very important thing. Germany will not be a member of the league. Germany will not, therefore, be under the restraints and the obligations of the league.

Mr. BORAH. But under article 11 we can deal with Germany or any other nation upon the face of the earth if they create the slightest disturbance.

Mr. HITCHCOCK. A nation might not create a disturbance, and yet she might be preparing to do so. Germany, if she were a member of the league, could not even prepare.

Mr. BORAH. She can not prepare under this treaty for the next 30 years.

Mr. HITCHCOCK. But the Senator is opposed to the ratification of this treaty.

Mr. BORAH. If you will take the league out of it, I will talk with you about it. There are things in the treaty which I am utterly opposed to, and they will have to come out before I will vote for it.

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Idaho yield to the Senator from Ohio?

Mr. BORAH. I yield.

Mr. POMERENE. Assume that the covenant for a league of nations were stricken out of the treaty, then what means would there be whereby to compel Germany to carry out the stipulations of the treaty?

Mr. BORAH. The terms of the treaty, if I read it correctly, are quite sufficient for that purpose for the next 30 years.

Mr. POMERENE. Not so long as Germany continues to consider all treaties as "scraps of paper," and that is what she will regard this one to be.

Mr. BORAH. But we do not permit Germany, under this treaty, to act upon the same principle that she did with reference to the Belgian treaty. We have possession and control, and we continue to retain physical, material possession of Germany, and control her so as to deprive her of the power to act in any aggressive way at all for the next 25 or 30 years, and therefore I do not see any necessity for the league, so far as Germany is concerned.

Mr. President, just a paragraph more and I will conclude.

As I said a moment ago, these reservations and amendments or interpretations based upon any other theory than that of the return of the treaty to the other powers for their affirmative acceptance would be a deception of the American people. It would be misleading them in the most important affairs of the national life. Mere amendments or interpretations or reservations unaccepted would be wholly worthless. They would not protect us in the future. We must deal with this important

matter frankly, openly, and upon vital lines. We must not pretend to do what we do not in fact do. Amendments or reservations which leave us in the league with jurisdiction granted to the league to embroil us in European affairs, if accepted, would be objectionable to me. I would like to see any such alliance avoided. But at any rate, every Senator has a right to ask that in pretending to amend we actually and unmistakably amend.

Mr. President, I ask permission to insert as a part of my speech some observations which were made January 5, 1917, on this subject.

The PRESIDING OFFICER. Without objection, that action will be taken.

The matter referred to is as follows:

"Friday, January 5, 1917.

"NO ENTANGLING ALLIANCES.

"Mr. BORAH. Mr. President, I address myself to this subject with admitted embarrassment. If it were a subject dealing exclusively with matters concerning our own Government and our own people, I should feel at ease in expressing any views which I might entertain with regard to it. I realize, however, that this subject affects other people more vitally than even our own; and I think I appreciate, in part at least, that it is almost impossible for us to view this matter from the angle of vision from which it is viewed by other Governments and by other nations. In expressing ourselves, some things which we might say, while entirely agreeable to our own views and the views perhaps of our own people, might be viewed from a different standpoint by those of other nations. I therefore desire to premise my remarks by saying that I express my views with entire tolerance toward those entertaining different views, whether entertained here at home or abroad. I wish in no way to impeach the understanding or the viewpoint of others, but alone to give expression to the reasons which shall control my action with reference to this matter.

"The President of the United States had a perfect right to send a note looking toward peace and to initiate a movement which might result in peace. He not only had the right to do so but if there was in his possession information which convinced him as the President that such a course was a wise one, and might and probably would result in something effectual, it was his duty to do so. Furthermore, so far as this debate is concerned, in any view that I may express I shall assume, and conclusively assume, that the President had sufficient information before him, as the one representative of our Government authorized to deal with this matter, to warrant him in the belief that the step which he took was justified, and that he had given to the matter that reflection and consideration which the gravity of the subject would command from anyone whose duty it was to act in regard to it.

"But if the Senate of the United States acts in regard to this matter, it will intrude itself into an affair of the utmost delicacy and of the most tremendous consequences, without any information other than that which we gather from the newspapers and from the general sources of information. If we act in regard to it at all, we will act without relationship to that part of the Government upon which devolves action at this time, without information, and without, in my judgment, sufficient reflection—that is, that reflection which should have taken place before the debate began. In other words, Mr. President, we are in an entirely different situation than that of the President; and it is no part of my purpose in this debate to assume to criticize the action taken by the President in sending this note. I hold to some rules of freedom in criticizing the action of a President in domestic matters, but when I am at all permitted to do so I prefer to remain silent in foreign matters.

"If the matter had remained where, in my judgment, it should have remained, I should have felt it my duty as a Member of this body to remain entirely silent with regard to the subject matter, notwithstanding that I might have differed with the President both as to the timeliness of the note and as to its contents. Realizing, as I think I do—and I speak with entire sincerity with regard to that—that the movement was initiated with the hope that it would accomplish something, I should have felt it my duty to remain entirely silent as to the mode of procedure, either as to the expressions of the note or as to the time when it was submitted to the foreign nations. But it is here now, Mr. President, certainly by no choosing of mine, and I am called upon to cast a vote which, if in the affirmative, in my judgment, as the resolution stands, will obligate me to a course which does not at this time commend itself to my judgment, and particularly to statements in the note with which I am in utter disagreement.

"I do not admit, Mr. President, since this resolution is here voluntarily, not at the suggestion of the President, but purely as the voluntary act of the Senate, that I am in any sense whatever assuming to criticize the President for the performance of his function and of his duty by disagreeing to the resolution and thereby disagreeing to the contents of the note. I am justified in that position, I think, by the fact that if this matter had been sent here at the suggestion of the President, or by reason of a message from the President, a different situation would present itself. But coming solely from the action of the Senate, without any suggestion upon the part of that particular official who, under our form of government, has to deal with this matter at this time, it seems that we may deal with it with entire freedom and without being placed in the position of assuming to criticize those who have viewed it from a different standpoint and with different obligations.

"I read this morning in the New York papers that the President's secretary is authority for the direct statement that Mr. Wilson is entirely indifferent as to what the Senate or the House does about the peace note. I have every reason to believe, in view of the silence of the Chief Executive, that we are permitted to dispose of this matter according to our own judgments and our own consciences, without being placed in the position of criticizing the action of the President.

"As I say, however, the note is here, and we have to deal with it and with all its contents under this particular form of resolution. It brings up for discussion and consideration some of the most important questions with which this body has had to deal since the beginning of the Government. I would like my colleagues to reflect upon this proposition that if this note contains the language which I believe it to contain, having the meaning which I understand it to have, initiating an entirely new policy on the part of this Government, when this body and the House pass upon it, then that department of the Government which fixes the policies of the country will have approved and initiated a new policy.

"If the note contains what I believe it to contain—an expression of view with reference to our foreign policy in the future, an entire change of policy with reference to our foreign affairs—and this body and the other member of the legislative branch of the Government indorse it, it is a confirmation and an establishment, this side of an actual treaty, of the policy which is outlined in the note. There is no other step to be taken in regard to it except its actual carrying out by treaties made; and the Senate of the United States would not be entirely free to reject a treaty covering a policy which the Senate, after due deliberation and consideration, had affirmed.

"Mr. President, just before the battle upon the plains of Marengo which seemed to place Napoleon well on the way of realizing his dreams of ambition, the Father of our Country was in retirement at Mount Vernon. A condition prevailed in Europe quite similar to the condition which prevails in Europe at this time. Napoleon, as I say, seemed in the way of realizing his ambition. Before his gigantic schemes thrones were toppling and dynasties disappearing; and it was understood that his plans encompassed the universal dictatorship of Europe, if not of the civilized world. Under those conditions Washington, in his retirement, wrote to a friend with reference to conditions in Europe and his views concerning them. His letter so fully expresses the view which I entertain with regard to the present situation, and so much more adequately than it would be possible for me to state it, that I am going, in the beginning of my remarks, to call attention to it. If history be correct, it was the last letter that the Father of our Country wrote upon any subject—certainly of public affairs:

"The affairs of Europe have taken a most important and interesting turn. What will be the final results of the uninterrupted successes of the combined army it is not for a man at a distance of 3,000 miles from the great theater of action to predict; but he may wish and ardently wish, from principles of humanity and for the benevolent purpose of putting a stop to the further effusion of human blood, that the successful powers may know at what point to give cessation to the sword for the purpose of negotiation.

"That expresses the great hope of all Americans that the great powers engaged in this conflict may realize or know the point at which the sword should give way to negotiations. In other words, while I presume we all have our views in regard to this conflict, and none of us stand entirely neutral in mind and in heart, whatever we may try to do officially, I assume that no American reflecting upon the affairs of Europe for the last hundred years wants to see any one of the belligerent powers dismembered and broken up. No one desires to see any one of the nations of Europe crushed. We hope that no attempt will be made to crush any one of those peoples. Our greatest hope is that these powers will appreciate the time when they should cease the conflict and enter upon negotiations;

and, expressing my own view, at least, I trust that will be before an attempt is made upon the part of either side to absolutely crush and destroy any one of the nations engaged in this conflict.

"There is one lesson of history which the people of Europe by this time ought fully to understand; that is, that whatever may be the power behind the movement or the influence which controls in the particular hour, it is practically impossible to destroy any nation where there has come to exist a real spirit of nationality. Over a century ago three of the great European powers dismembered and divided Poland. One of the rulers said, after the infamous deed was finished, that Poland had been disposed of by pen and ink; but Poland was not thus disposed of. She is now one of the vital, moving, controlling, dominating forces in this conflict, over a hundred years after. That crushed and dismembered nation has been the nerve of every revolution against absolutism in Europe from the time it was divided until this hour. The Polish patriots scattered over the face of Europe have either initiated or substantially supported the great revolutions against autocratic power from the time the autocrats of Europe divided it until now. I say, again, that the fondest hope of America is that these nations engaged in war, fighting, as they believe, for their security and their existence, may nevertheless realize the proper hour in which to lay aside the sword and take up negotiations.

"Further says the Father of his Country:

"My own wish is to see everything settled upon the best and surest foundation for the peace and happiness of mankind, without regard to this, that, or the other nation.

"I repeat, Mr. President, that undoubtedly every Member of this body, and I presume that practically all throughout the country have their views, their sentiments, their opinions, their partisanship, with regard to this conflict. But whatever may be our views with regard to the governing power or the ruling class in this or that country there goes out from the heart of America to all the people, to the masses engaged in the conflict, regardless of nationalities, one common sentiment, and that is one of profound sympathy for the masses of the people, regardless of the kind of government which presides over their destinies. I find a complete expression of my views in the language of the Father of his Country when he says:

"My own wish is to see everything settled upon the best and surest foundation for the peace and happiness of mankind, without regard to this, that, or the other nation.

"Could there be anyone in all America so unconscionable as not to desire peace? If we should pass a resolution here merely in favor of peace it would but express the axiom of the American heart. But on the other hand can there be anyone so unreflective as not to want permanent peace; peace founded in justice and in righteousness, and therefore permanent peace?

"Mr. President, I am going to put aside many of the minor matters which I deem to be involved in this debate, because, first, I know I shall not be able to cover them so well as they have already been covered by others speaking upon the subject; and, secondly, because I could waive in deference to the supposed cause of peace, since the resolution is here, every question involved in this note except one, and with reference to that I could not give my consent to vote for a resolution which even seems to indicate an approval of it. Since the resolution is here, though I believe it ought not to be here, I would put aside all objections save one, and that is vital and controlling, and not even in the cause of supposed peace will I seem to indorse it.

"According to my limited vision of governmental affairs and the future happiness of this Nation, if I am not misled as to the contents of this note, there is a proposition involved in it of far more concern to the people of the United States than anything which we have had before us at this session or will have before us during many sessions to come. I desire to go to that, and when I shall have expressed myself fully in regard to it I will leave the subject matter so far as I am concerned, and not consume time with other matters, though they are not unimportant.

"Let us not seek to minimize the importance of this matter nor undertake to delude ourselves with the thought that the issue is not here. If we are going to pass this resolution and do not want to pass upon this subject, then the language of the resolution should be changed. We shall not be able to satisfy ourselves or our people when they come to reflect upon this record that the issue concerning which I propose to speak is not an issue in this debate. The language of the note to which I have reference is as follows:

"In the measures to be taken to secure the future peace of the world the people and Government of the United States are as vitally and as directly interested as the Governments now at war. Their interest, moreover, in the means to be adopted to relieve the smaller and weaker

peoples of the world of the peril of wrong and violence is as quick and ardent as that of any other people or government. They stand ready, and even eager, to cooperate in the accomplishment of these ends, when the war is over, with every influence and resource at their command.

"In other words, we as a nation are not only interested in the future welfare of the small nations of Europe, which, of course, we are, but we propose as a manifestation of our interest to make ready to achieve their protection and their integrity by every influence and every resource at our command. This means, if it means anything at all, that the Army and the Navy of the United States, the last and greatest resource for such things, will be at the command of any plan agreed upon between this Government and the nations of Europe for the protection of the small nations of that country. When the war is over, the note says, with every influence and resource at our command we will protect from violence or wrong all these small nations. Could a more stupendous proposition be presented to our people? Could a single proposition involving more completely the peace and contentment of this Republic for all time to come be submitted to this body for consideration?

"Mr. President, it might be said in regard to this language that this is too free a construction of it, and that contention has been made by the brilliant Senator from Illinois [Mr. Lewis]. But the same cautious and conservative gentleman whose name is attached to this note in an interview shortly thereafter—the next day, I think—gave expression to the interpretation which should be placed upon this part of the note, and discussed freely, apparently from the newspaper reports, what it meant. Amongst other things the paper says:

"Secretary Lansing apparently favors the idea of the United States joining with other European nations in a compact to preserve peace, because he regards some such measure essential in the light of present international conditions.

"The United States is no longer in a position to remain indifferent to wars in Europe. American interests are bound to be seriously and vitally affected, as indeed they have been in the present war, and American rights are, Mr. Lansing has pointed out, necessarily placed in jeopardy.

"The views of Mr. Lansing are along the line of the statements made by President Wilson last May in indorsing the League to Enforce Peace. Mr. Wilson at that time said the present war had demonstrated that in future wars of the present magnitude it would be extremely difficult, if not impossible, for the United States to remain neutral.

"Let us go back a little further. There is an organization in this country called the League to Enforce Peace. Among its members are some of our most distinguished educators and publicists and statesmen. Its president is the ex-President of the United States, Mr. Taft. Among its members, as I recall, is Judge Parker, a Democrat of the strictest sect. A number of other admirable gentlemen are members of this league, which has a short but a momentous platform.

"In discussing this matter, which I propose to do with some frankness, I may say in the beginning that I am not indulging in a partisan discussion, and, furthermore, I speak with great respect for the gentlemen who make up the membership of the league. With the president of the league a Republican, and with an agreement between the president of the league and the President of the United States upon this matter, I think we may assume that it is a nonpartisan question and discuss it from that standpoint.

"I call attention to the platform of this league, for in the background of this discussion is this movement, the fountain source of this whole scheme:

"It is desirable for the United States to join a league of nations binding the signatories to the following:

"First. All justiciable questions arising between the signatory powers not settled by negotiation shall, subject to the limitation of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

"Second. All other questions arising between the signatories and not settled by negotiation shall be submitted to a council of conciliation for hearing, consideration, and recommendation.

"Third. The signatory powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war or commits acts of hostility against another of the signatories before any question arising shall be submitted as provided in the foregoing.

"This is a proposal, as you see, to form a league composed of the nations of the earth, if they all saw fit to join it—the nations of Europe and the nations of America and of the Orient—by which all matters of dispute, justiciable or otherwise, shall be submitted either to an international tribunal or a council of conciliation, and behind it all is the pledge, through treaties or otherwise, to use the economic and military forces of the nations to enforce a recognition or a compliance with the terms of the alliance. We would be one member of that league. We would have a single voice in the determination of the issues, as to the nature of them, and so forth, and the central idea of the entire movement is the use of force ultimately in the settlement of any disputes which might arise.

"The President, speaking before this League to Enforce Peace, with its platform as its creed, used this language, after discussing the desire of the nations to get together:

"So sincerely do we believe in these things that I am sure that I speak the mind and the wish of the people of America when I say that the United States is willing to become a partner in any feasible association of nations formed in order to realize these objects—

"To wit, the objects outlined and described in the League to Enforce Peace—

"and make them secure against violation.

"Here is a clear and unmistakable declaration to the effect that the United States is willing to become a partner, a term of wide-reaching significance, in any association of nations, European and oriental, to insure or enforce peace, to use our economic and military forces to compel all nations members of the league to submit their affairs to these tribunals, and if any fail to do so to make war upon them. But that is not the worst of it. We agree in advance to authorize other nations to make war upon the United States if we refuse to submit some vital issue of ours to the decision of some European or Asiatic nations. This approaches, to my mind, moral treason.

"A universal association of the nations to maintain the inviolate security of the highway of the seas for the common and unhindered use of all the nations of the world and to prevent any war, begun either contrary to treaty covenants or without warning, and full submission of the causes to the opinion of the world—a virtual guaranty of territorial integrity and political independence.

"Territorial integrity and political independence! Now, read this paragraph in connection with the paragraph in the note and in connection with Mr. Lansing's statement and the platform of the league, under whose auspices the President was speaking, and there is nothing left to doubt. I hope the nations will understand that if they shall expect us to enter into such a program that there are some who will have to be consulted more fully before that step is taken, and that is the people upon whom will rest the burden and with whom will rest the sacrifices involved in carrying out this new and startling program.

"Senators, let us proceed further; what is the meaning of that language? When we agree to enter into an alliance which proposes by means of the military and naval forces of the United States to protect the national integrity of every small nation of Europe we have gone to the storm center of European politics. We have abandoned the policy of nearly a century and a half and entered directly and at once upon that policy which was condemned by the Father of our Country in the very beginning of the Government.

"I do not complain that the President entertains these views, and, as I said a few moments ago, had they been contained in a note which bound the President alone it would have been my duty to refrain even from a discussion of them at this critical juncture. But when the note is thrown into the Senate with what in my judgment is a complete reiteration in briefer style but just as comprehensive as his statement upon repeated occasions that he is in favor of this Nation entering into an alliance with the nations of the earth to use its military and naval forces to enforce peace, I am placed in a position then that if as a Member of the body I should vote for the resolution I would undoubtedly indorse the policy, something no exigency could induce me to do. I want peace. I share that sentiment with all my countrymen. I would hesitate to stand against the Chief Executive in any move which he would make in regard to it. But rather than see my country enter upon that course which, in my humble judgment, is not to promote peace but to promote war, I would oppose it at whatever cost to the cause of peace in Europe. I will not seem to court peace and instead in fact court war. I do not know, Mr. President, how universal the sentiment is. We are told it has become practically the sentiment of the American people. I propose for my part to reflect and to repent before we start upon such a course and not afterwards.

"The Senator from Illinois, Mr. Lewis, said there was nothing in this language which should lead us to the conclusion of the abandonment of the Monroe doctrine. If the language of the President in the note, taken in connection with his speech before the league to enforce peace, and in connection with the platform which he indorsed by his language, is to be accepted, let us see whether or not it would destroy or abrogate, as it were, the Monroe doctrine.

"Suppose the United States and Argentina and Brazil and some of the nations of Europe enter into an alliance of this nature; suppose that Argentina and one of the Governments of Europe are unable to agree to some matter in dispute. Argentina, considering the matter vital, refuses to submit her dispute to an international tribunal or to a council of conciliation; under

this doctrine of the league to enforce peace we would not only have agreed that the European nations could come here and engage in war with Argentina, but if we were called upon we would have to join our Army and Navy to enforce the matter against Argentina. We would join the European nation against our sister American Republic. It is an invitation for Europe to come to America to participate in our affairs and to be a part and parcel of American affairs as completely as European affairs. In fact, there would be no American affairs in the practical operation of the league, for Europe and the Orient would always control the court.

"It means, therefore, Mr. President, not only the abandonment of the doctrine of no entangling alliances established by Washington, but it means the abandonment of the Monroe doctrine, announced by Monroe upon the mature advice of Jefferson.

"Let us see; take some illustrations which may show the dangerous course upon which we are about to enter if we indorse such a policy. I am going to use the names of some of the nations, in order not to deal too abstractly, although in doing so, of course, I am not to be considered as using them because I either fear them or would offend them, but simply as an illustration.

"We will assume now that the partnership of which the President spoke has been formed, that the cooperation has been completed, and the combine and alliance has been made, and in that combination and alliance are Japan and Russia and the United States. We will assume that after the combination is made Russia and Japan have a dispute as to their rights in Manchuria. Japan insists that it should be submitted to the arbitral tribunal. Russia insists that it involves her vital interests and refuses to submit it, and moves her troops immediately to the disputed territory. Under the league alliance which we have formed and the treaties which we have made we must join with Japan in punishing Russia for refusing to submit her proposition to the tribunal. Regardless of whether it was Russia or Japan, would we brave our way across the ocean to shed a nation's blood in a war in which we had only the most general concern? Where do these gentlemen expect to get their soldiers or sailors for such expeditions?

"I am afraid that these gentlemen who talk about a league to enforce peace have overlooked in their zeal the fact that this is still a government of the people, by the people, and for the people, and that they make war, make and unmake administrations, make and unmake Congresses, and they would have to be consulted. You might force through your combination—that could be done in the comfortable chambers of courts—but the men who made these treaties would not be the ones to die for them. The people would have to do the fighting, and, fortunately, they also do the voting.

"Let us take another illustration. We will assume that Mexico has been restored to law and order and has an established government; that Mexico is a member of the alliance; that Japan is a member of the alliance; and that Mexico conceives the idea of leasing Magdalena Bay to Japan for 99 years, and we protest against it. We have already joined the alliance. They also are members of it. Mexico says, 'Certainly I have a right to dispose of my territory'; and Japan says, 'I have a right to lease.' We are all members of a common league bound together for a common purpose. Would the United States submit that question to a tribunal where it has but one vote or one voice and permit its entire future to be disposed of by a court where it has but a single representative and probably no friend, so far as that question would be concerned?

"If these words which I have quoted, Mr. President, lead us in this direction, we are approaching the most important subject with which we could deal with reference to foreign affairs. I have already called attention to the platform of the League to Enforce Peace. I want to call attention now to the language of Sir Edward Grey a few days ago in regard to the same subject matter. He says:

"Only bear this in mind—

"Speaking to those who were in favor of a league to enforce peace—

"If the nations in the world after the war are to do something more effective than they have been able to do before, to bind themselves together for the common object of peace, they must be prepared not to undertake more than they are prepared to uphold by force, and to see when the time of crisis comes that it is upheld by force. In other words, we say to neutrals who are occupying themselves with this question that we are in favor of it. But we shall have to ask when the time comes for them to make any demand on us for such a thing, 'Will you play up when the time comes?' It is not merely a sign manual of sovereigns or presidents that is required to make a thing like that worth while; it must also have behind it parliaments and national sentiment.

"In other words, Mr. President, this has already in the estimation of these gentlemen passed beyond the domain of mere theory or of didactic discussion, that it is now a practical question of how far the United States is willing to go; and, as Sir Edward Grey says, we must understand that it means force in the enforcement of terms and conditions upon which the league exists. No mere words, no sentimentality about the millennium, but force is the dominant note and war will be the ultimate result. Is this what our President meant a few weeks ago when he said this is the last European war in which we will not take a part?

"We are now proposing to pass legislation which will commit this body to the proposition that we are in favor of entering such an alliance, an alliance controlled and dominated by the element of force in matters of peace.

"Mr. President, Prof. Lowell, in an article in the last North American Review, says:

"Many Americans complain that the league would involve our country in entangling alliances with foreign nations contrary to our traditions. It would certainly involve obligations, and those of a very grave character—obligations that might possibly result in war—and so does the Monroe doctrine.

"The learned professor is frank, but with all his learning, with his great knowledge of history, I would have expected him to say 'probably' result in war instead of 'possibly' result in war. Before Washington committed us to the doctrine of 'non-entangling alliances' America took part in all European wars. Had not it been for Washington's policy, had he yielded in the fateful hour when urged to form a European alliance, we would have participated in every war which has torn and tormented Europe from that hour to this.

"It is this feature of this resolution covering this particular language of the act which makes it impossible for me to support the resolution. Now, I should like to ask the Members who are supporting the resolution if they understand that the Senate of the United States is about to indorse the idea contained in this language? I should like to ask, I say, the Senators supporting this resolution if they understand that we are about to indorse a proposition contained in this language, to wit, that we are willing to enter into association or any form of cooperation for the purpose of protecting the small nations of Europe?

"Mr. HITCHCOCK. I do not understand the Senator addresses his remarks particularly to me, but I am frank to say that, as far as I am personally concerned, I aimed in the resolution to indorse nothing except the request made by the President on the warring nations to state the terms upon which peace might be considered.

"Mr. BORAH. May I ask the Senator, since he is on the floor, if he understands this language to mean that the United States is willing to enter into an alliance to cooperate with the nations of Europe for the purpose of protecting the small nations of Europe?

"Mr. HITCHCOCK. No; it does not.

"Mr. HARDWICK. Will the Senator from Idaho yield just a moment?

"The PRESIDING OFFICER (Mr. PITTMAN in the chair). Does the Senator from Idaho yield to the Senator from Georgia?

"Mr. BORAH. I yield.

"Mr. HARDWICK. Has the language been modified on that point so as to exclude that?

"Mr. HITCHCOCK. No; my resolution still stands as originally presented. There have been presented a number of proposed changes as amendments. I have not as yet accepted anything.

"Mr. BORAH. Then I ask the Senator what the construction is of the language of the note where it says:

"Their interest—

"Referring to the Government of the United States—

"Their interest, moreover, in the means to be adopted to relieve the smaller and weaker peoples of the world of the peril of wrong and violence is as quick and ardent as that of any other people or Government. They stand ready, and even eager, to cooperate in the accomplishment of these ends, when the war is over, with every influence and resource at their command.

"Now, one of the resources is to enter into treaties for that purpose and to use the Army and Navy to that end.

"Mr. HITCHCOCK. I might not differ so much with the Senator from Idaho upon the construction which he places upon the note. The point I make is that the time when the Senate is to take a position upon any proposition of that sort will not arrive until it is proposed by the President or reaches the Senate in the form of a treaty.

"Mr. BORAH. Mr. President, we may adopt a policy and carry it out afterwards by treaty, but so far as announcing the attitude of this Government toward the proposition, so far as

announcing its policy, if that is the meaning of the President's note and the Congress adopts it, would it not be, so far as the adoption of the policy is concerned, conclusive upon that proposition?

"Mr. HITCHCOCK. Mr. President, I trust the Senator will not insist that my resolution indorses the President's note. I have endeavored to make it plain, in what I have said, that I aim at least in the resolution to indorse nothing except the President's request to the warring nations to state the terms upon which peace might be considered, and in my opening remarks I distinctly disavowed any desire to commit the Senate to an indorsement of anything which might be controversial or argumentative.

"Mr. LEWIS. Mr. President—

"The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Illinois?

"Mr. BORAH. I do.

"Mr. LEWIS. Mr. President, assuming that the Senator from Idaho likewise addresses his query to me, in view of my observations on that subject, I desire to ask the Senator in turn, to form a reply to the query, Does he assume that the President of the United States by the use of the expression 'using the resources at our command' means that he would do anything or attempt to do anything until commanded by the people, and does he assume that the people, through their representatives, would ever command anything in violation of the institutions of America?

"Mr. BORAH. Well, it would not be in violation of the institutions of America if we should adopt the policy, though I think it would be an exceedingly unwise policy; but there is nothing in our institutions or Constitution or anything else which would prevent us from doing so if we desired to do it in a proper way.

"Mr. LEWIS. Might I be pardoned if I asked the Senator if he would not regard the Monroe doctrine and what it means as one of the fixed institutions of the political policy of America?

"Mr. BORAH. Yes; but it is one that we could abandon if we desired to do so. We announced and we can renounce it. It rests alone with the United States.

"Mr. LEWIS. We could likewise, may I suggest to the Senator, abandon the Constitution if we chose and violate it.

"Mr. BORAH. Let me call the Senator's attention to the language of the President. It seems that the President has already consulted with the people in this matter, and he feels that the people have authorized him to act in the matter; and that being true, there is nothing to hinder him from proceeding, according even to the terms of the Senator from Illinois. The President says:

"So sincerely do we believe in these things that I am sure that I speak the mind and wish of the people of America—

"When that was ascertained I have no means of knowing—

"when I say that the United States is willing to become a partner in any feasible association of nations formed in order to realize these objects—

"What objects? The objects covered by the platform of the League to Enforce Peace, before which he was speaking—

"and make them secure against violation.

"He has already, in his judgment, had the views of the people, and feels that in entering into this partnership, this association of nations, for the purpose of enforcing peace, he is carrying out the will and purpose of the people of the United States. It may be true that that is the will and the purpose of the people of the United States; I do not know; but I know that it is not my will, and never could be. Again, the President says:

"I am sure that the people of the United States would wish their Government to move along these lines:

"That is to say, carrying out his statement—

"A universal association of the nations to maintain the inviolate security of the highway of the seas for the common and unhindered use of all the nations of the world, and to prevent any war, begun either contrary to treaty covenants or without warning, and full submission of the causes to the opinion of the world—a virtual guaranty of territorial integrity and political independence.

"In other words, we are ready to enter into a combination to guarantee the territorial integrity of Serbia, of Roumania, and of every other small nation of Europe that may be involved in a controversy in the future.

"Now, my friends upon the other side, if you desire to meet the issue fairly and squarely, you will do so by eliminating in an unmistakable way from the resolution any possible approval of that proposition. Or if you are in favor of it, if it is the position of the majority party in the Senate that they want to enter into this league, this partnership, then we are ready to meet that issue. I insist the question is plainly here, and I do not propose that it shall be put aside. I want you to take the responsibility or renounce it.

"Mr. HITCHCOCK. Mr. President—

"Mr. BORAH. I yield to the Senator from Nebraska.

"Mr. HITCHCOCK. In my opinion and my understanding of the English language, no change is necessary; but the Senator from Washington [Mr. JONES] has proposed an amendment to my resolution, and I should like to inquire whether that amendment would meet the views of the Senator from Idaho? The resolution, as the Senator from Washington proposes to amend it, would then read as follows:

"Resolved, That the Senate approves and strongly indorses the request by the President in the diplomatic notes of December 18 to the nations now engaged in war that those nations state the terms upon which peace might be discussed.

"That is exactly the proposition that I wanted to put before the Senate. I think the meaning of my resolution is not essentially changed by the amendment proposed by the Senator from Washington, and I should like to know from the Senator from Idaho whether the adoption of that amendment would obviate the objection which he finds to my resolution?

"Mr. BORAH. I think the amendment proposed by the Senator from Washington is entirely a different proposition from the resolution of the Senator from Nebraska, and if the Senator from Nebraska is willing to adopt the resolution of the Senator from Washington I shall conclude my remarks at once.

"Mr. HITCHCOCK. Well, Mr. President, if such action on my part would conclude this discussion, or even shorten the discussion, I should be glad to take it. I will say now that I will accept the amendment offered by the Senator from Washington, so far as I am concerned.

"Mr. BORAH. Do I understand that the amendment of the Senator from Washington is accepted by the Senator from Nebraska?

"The PRESIDING OFFICER. That is the understanding of the Chair.

"Mr. HITCHCOCK. I have the right to accept that amendment, I believe, under the parliamentary situation, and I accept it.

"Mr. NORRIS. Mr. President—

"The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

"Mr. BORAH. I yield for a question.

"Mr. NORRIS. I should like to say that, while I have an amendment which I have offered to the resolution, if my colleague will adopt the language as proposed by the Senator from Washington, I shall be glad to withdraw my suggested amendment and support the resolution in that form. It contains the same idea that I was trying to reach with my amendment, and, so far as I am concerned, in that form I am ready to vote for it.

"Mr. HITCHCOCK. I accept the amendment, Mr. President.

"The PRESIDING OFFICER. The Senator from Nebraska modifies his amendment by the acceptance of the amendment proposed by the Senator from Washington [Mr. JONES].

"Mr. BORAH. Mr. President, I stated to the Senator from Nebraska that, so far as I was concerned, I should terminate my remarks upon the acceptance by him of the amendment proposed by the Senator from Washington. I want to add this, however, in a brief way: In voting for the substitute which has been accepted there is language in the President's note with which I do not agree; but it is such that I should not permit it to stand in the way of any supposed aid that the passage of the resolution in its present shape might be to the cause of peace. I would not permit it to stand in the way of my assisting that movement. I do not want to be understood, however, in casting my vote for the resolution as approving anything in the note except the request for terms."

THE MOONEY CASE.

Mr. PHELAN. Mr. President, I read in the papers yesterday that John B. Densmore, special agent of the Department of Labor, had given to the House of Representatives a statement of a report which he made to the Department of Labor on the Mooney trial in San Francisco. Having read in the press that the Secretary of Labor had stated before the American Federation of Labor at its last meeting, at Atlantic City, that the trial had been a fair trial, I was rather surprised that his subordinate should have again precipitated this discussion; and I sent to the department for a copy, if it were available, of the speech of the Secretary of Labor, which he kindly sent me. I ask that that part of it referring to the Mooney trial be printed in the RECORD, unless the Senate desires to hear it.

Mr. SMOOT. Mr. President, I want to say to the Senator that the whole speech has been printed in the RECORD at the request of the Vice President. I can not tell the Senator the exact page, but it is in there already—not only the part that he

asks to have printed now, but every word that the Secretary of Labor said at that meeting.

Mr. PHELAN. As long as I am on my feet, I will read just three or four lines, because there seems to be an attempt, judging by editorial comment in the New York press, to reflect upon the courts of California, and therefore, to refresh the minds of those who are not familiar with the speech of the Secretary, I will read these few words.

The Secretary of Labor says:

You may accept it or leave it, as your own judgment tells you is best. I have been very much interested in the Mooney case. I was requested by the President, when his commission went West, to look into the Mooney case and report to him. We looked into the Mooney case, and in doing so we came to this conclusion: That so far as the jury was concerned that passed upon the evidence presented to it, it could have come to no other conclusion under its sworn duty than to convict Mooney; that so far as the judge was concerned who tried the case, he tried it with absolute fairness.

Mr. SMOOT. Mr. President, if the Senator desires to put in any further part of the speech as a part of his remarks I shall not object. Let the Senator mark just which part he wants published.

Mr. PHELAN. I think it will be more satisfactory to put it in as the Secretary delivered it. So I will ask that it be inserted in the RECORD as marked by me.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

May I, also, Mr. President, take this opportunity of giving a word of advice in connection with another situation that has been tense throughout the country? The advice is given freely, honestly, and earnestly. You may accept it or leave it as your own judgment tells you is best. I have been very much interested in the Mooney case. I was requested by the President, when his commission went West, to look into the Mooney case and report to him. We looked into the Mooney case, and in doing so we came to this conclusion: That so far as the jury was concerned that passed upon the evidence presented to it, it could have come to no other conclusion under its sworn duty than to convict Mooney; that so far as the judge was concerned who tried the case, he tried it with absolute fairness. But there were some things existing in addition to that. At the time of the trial certain evidence had been given by certain individuals relative to the supposed activities of Mooney. It afterwards developed that one of the principal witnesses had written to a friend of his in Illinois asking him to come to San Francisco and be prepared to testify that he had seen Oxman, the witness, at a given point at a given time, so as to testify to the possibility of Oxman's being at the point where he claimed to have secured the evidence. The commission was of the opinion that in view of that change in the evidence, and in view of other changes that had taken place in the evidence from the date of trial, Mooney ought to be given a new trial, and his innocence or guilt decided upon the evidence as it existed when this new evidence was produced.

At that time I had no fixed opinions as to either the guilt or the innocence of Mooney. With me it was not a question of whether Mooney was guilty or was innocent, but a question of securing a fair trial for him under the existing circumstances. Every effort that the national administration was able to put forth was put forth for the purpose of trying to secure that new trial, and we are not through with it yet. We are still working on it.

But that is not the phase of the situation that I particularly wanted to advise you about. I am simply stating these facts as preliminary to what is to follow. There has been carried on throughout the country a nation-wide agitation for a universal strike as a protest against the conviction of Mooney. My friends, do you realize just what that action means to the masses of the people? Do you understand fully—most of you do—the struggle that has taken place in order that trials may take place by jury where people are accused, with the accused having the opportunity of meeting the witnesses and the jury face to face, and the jury having opportunity of witnessing the manner in which the witnesses give their testimony? That change, the establishment of the jury system, was not brought about for the purpose of protecting the monarch or protecting the nobility. It has not been principally essential for the protection of men of great wealth; they have usually been in a position to protect themselves. The jury system was brought into existence for the purpose of protecting poor fellows like you and me from the power and influence of the other fellow.

It may occasionally miscarry; occasionally an injustice or a wrong may be done, but in the great bulk of cases justice is meted out through the jury system. Neither you nor I nor anyone in the labor movement, no one who belongs to the great masses of our people, can afford to undertake to try Mooney by the process of a strike. If he is to be tried, he should be tried by a jury that can meet him face to face and meet the witnesses face to face and be able to digest the evidence as it comes out, bit by bit. Very few of us have had an opportunity of examining the evidence in the Mooney case; very few of us know anything more about the Mooney case than simply that which is connected with Oxman, one of the principal witnesses; and yet it is proposed that every workingman in the country, whether he has information concerning the Mooney case or not, shall become a juror in this case and at the same time that he becomes a juror shall enter into a strike to bring about a decision. What influence will it have? The man who under our laws can pardon him or liberate him from prison is not under the jurisdiction of the voters of any other part of the country than that of California; and I do not know but that, even though there may be a miscarriage of justice occasionally, it is a wise thing that that is the case. The further you get the responsible officers removed from the electorate, the less influence the electorate has with those responsible officers; and while the responsible officers may occasionally pursue a course that is not acceptable to the multitude, it is better that they should be close to the multitude, close to the electorate, than that they should be far removed, as would be the case if the responsibility rested with the Federal official instead of with the State or local official.

My friends, we in this country have been moving on by the evolutionary processes, taking hold of the problems that confront us, holding fast to that which experience demonstrates to be good, letting loose of those things which experience demonstrates to be bad. It is the safest method, the surest method. Revolutionary processes may move us forward rapidly for a brief period. On the other hand, the chances are that when a revolution takes place no one will be able to determine where it will end. That has been true of nearly all the revolutions of the world, and the policy that has been pursued by the American labor movement of going forward by evolutionary processes, making sure of each foothold with every step that it takes, so that there will be no step backward, is the surest and best process for the achievement of the highest ideals of mankind. I thank you.

PROPAGANDA ON PACKING INDUSTRY.

Mr. HARRIS. Mr. President, I ask to have read the telegram which I send to the desk.

The PRESIDING OFFICER. Without objection, the telegram will be read.

The Secretary read as follows:

VALDOSTA, GA., July 24, 1919.

Hon. W. J. HARRIS,

United States Senate, Washington, D. C.:

Representative of Armour & Co., using prepared pamphlets and propaganda, appeared before chamber of commerce asking resolution of chamber to request your influence in defeating Kenyon bill. Chamber obtained copy of proposed measure and has indorsed same in open meeting. President of chamber was directed to wire our Senators, asking that they heartily support bill and aid in prompt passage. This to you as information, in order that you may know the real sentiment. We hope you will use every effort toward early passage of bill.

THE A. S. PENDLETON CO.

VALDOSTA GROCERY CO.

CURRY GROCERY CO.

H. F. TILLMAN GROCERY CO.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, July 28, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, July 25, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou Great Spirit, above all, through all, and in us all, help us to be somebody, to do some things which shall add to the sum of human happiness, and thus prove ourselves worthy sons of the living God.

Strong Son of God, immortal love,
Whom we, that have not seen Thy face,
By faith, and faith alone, embrace,
Believing where we cannot prove.

Thou seemest human and divine,
The highest, holiest manhood, Thou:
Our wills are ours, we know not how,
Our wills are ours, to make them Thine.

To strengthen, uphold, sustain, and guide us on our way to the life immortal. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOWARD, for the remainder of the week, on account of attending the christening of the ship *City of Tulsa*.

To Mr. LONERGAN, for three days, on account of important business.

To Mr. MILLER, for one day, on account of illness.

To Mr. JONES of Texas, for two days, on account of important business.

To Mr. MANSFIELD, for two days, on account of important business.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that yesterday they had presented to the President of the United States, for his approval, the following bill:

H. R. 7413. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, announced that the President had approved and signed joint resolution and bill of the following titles:

H. J. Res. 73. Joint resolution authorizing the President to extend invitations to other nations to send representatives to the World Cotton Conference to be held at New Orleans, La., October 13 to 16, inclusive; and

H. R. 7413. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920.